MY Writeups on BSNL Pay and Pension Issues

R. Pattabiraman

MY Writeups on Pay and Pension issues

Foreword

I am happy to bring this compilation of 'MY Writeups' on the issues of Pay and Pension of BSNL employees and pensioners. I dedicate this E book to the lovable memories of com O P Gupta, the legendary father figure of Telecom Trade Union Movement .

I feel glad to bring this E Book on the occasion of the Silver Jubilee of 'the special 37 A Notification ' having statutory basis for ensuring Government Pension as per the Govt formula to the absorbed BSNL corporate employees on their retirement. The Silver Jubilee of 37 A falls on Sep 30 2025-

The entire BSNL Family knows the singular contribution of com OPG on this fantastic achievement of safeguarding Pension to the Employees of the Corporation.

I could not retrieve all the articles that I wrote in these 2017-2025 years on the subject of Pay and Pension revision. I could not retrieve Com Neelakandan's Tamil translations of the said articles except a few.

Somehow I retrieved the articles placed in my FB postings to the extent possible and compiled.

Hope these articles may help those who read and refresh ..

28-9-2025 - R. Pattabiraman

This E Book is Dedicated to the Fond Memories of Com O P Gupta

Legendary and exemplary leader of Telecom Trade Union Movement

PATTABI's Writeups on BSNL Pay and Pension Issues

dec 2018

My wishes to all the pensioners and specially my co-pensioners of BSNL. The message of this day (Dec 17th) is the principle of modified parity to the past pensioners linking them with their future pensioners. The concept of oneness thro one rank one pension is seen as a justified one. By asking 'delinking' we are unfortunately giving up this principle of parity with our future pensioners. This one is tantamount to say to keep us the past pensioners to rank high against our future pensioners and yielding to treat equals differently.

Any Pay Revision is not only providing pay revision to employees in service and continuing the service, but also giving pension revision to the retirees during post pay revision period. This pension revision of those category pensioners is only linked to the past pensioners for their pension revision based on the above said principle. Pay revision is for all serving employees but when it leads to pension revision for some pensioners who were eligible for pay revision then the principle of modified parity is applicable to the past pensioners. In today's condition the past retirees of BSNL can get a link only from the future retirees of BSNL alone, not from future retirees of central govt.

R.Pattabiraman BSNL IDA Pensioner 14-12-18

டிசம்பர் 17 #ஓய்வூதியர்கள்_தினம்

அனைத்து ஓய்வூதியர்களுக்கும் குறிப்பாக பி எஸ் என் எல் ஓய்வூதியர்களுக்கு எனது நல்வாழ்த்துகள். டிசம்பர் 17 பென்சனர் சமநிலை கோட்பாட்டை முக்கிய செய்தியாக கொண்டுள்ளது. முன்னாள் பென்ஷனர்கள் குறிப்பிட தேதிக்கு பின்னரான பென்ஷனருக்கு இணையாக ஓய்வூதிய திருத்தம் பெற உரிய இணைப்பை அது நல்குகிறது. 'ஒரே ரேங்க் எனில் ஒரேவகை பென்ஷன் பெறத்தகுதி' என்பது நியாமான ஒன்றாகவும் ஏற்கப்பட்டுள்ளது.

இச்சூழலில்'டீலிங்க் -இணைப்பை துண்டி' எனக் கோரிக்கை உருவாகியிருப்பது துரதிருஷ்டம் என எண்ணத்தோன்றுகிறது. முன்னாள் பென்ஷனரை உயர் ரேங்கில் வை என்பதாகவும் ஆகிவிடுகிறது. உள்ளார்ந்து பார்த்தால் சமதையாக நடத்தப்படவேண்டியவர்கள் வித்தியாசப்படுத்தப்படலாம் என்கிற பொருளையும் தருகிறது.

ஊதிய மாற்றம் என்பது சேவையில் தொடரும் அனைத்து ஊழியர்களுக்கும் ஊதிய உயர்வைத்தரும்போதே, ஊதியமாற்ற

தேதிக்கு பின்னர் பென்ஷனராக மாறியவர்க்கு பென்ஷன் திருத்தத்தையும் ஊதிய உயர்வு காரணமாகவே தருகிறது.

இந்த கேட்டகரி பென்ஷனர்கள்தான் அவர்கள் பெறும் பென்ஷன் திருத்தம் காரணமாக முன்னாள் பென்ஷனருக்கு பென்ஷன் திருத்தம் பெறுவதற்கான இணைப்பை தருகிறார்கள். (சம்பள மாற்ற ஊழியர்கள் அனைவருமல்லர்).

இந்த நிலைப்பாட்டையே ஊதியக்குழுக்கள் மாடிபைடு பாரிட்டி கோட்பாடு என அழைக்கின்றன. இந்த அடிப்படையில் தான் சம்பள குழுக்கள் (5,6,7) ஊதிய மாற்றத்தையும், இரு கேட்டகரி பென்ஷன் திருத்தங்களையும் செய்திருக்கின்றன. இன்றைய சூழலில் பி எஸ் என் எல்- இருந்து ஓய்வுபெற்ற பென்ஷனர்கள் அவர்களுக்கான 'இணைப்பு எதிர்கால பென்ஷனரை' பி எஸ் என் எல்- இருந்தே பெறவேண்டும்- மத்திய அரசு எதிர்கால பென்ஷனரிடமிருந்தல்ல.

R.Pattabiraman BSNL IDA Pensioner 14-12-18

2019

nov 2019

தமிழ் மாநில NFTE BSNL சங்கம் கடலூரில் 06/11/2019 அன்று முப்பெரும் விழாவை நடத்தியது.BSNLலில் தற்போது நிலவும் மாறுபட்ட சூழலில் கருத்தாழம் மிக்க உரையை தோழர் பட்டாபி நிகழ்த்தினார். பெரும்பாலான ஊழியர்கள் VRSல் சென்ற பின்னர் BSNL ஐ மேம்படுத்த மிச்சம் இருக்கும் ஊழியர் நலன் காக்க ஆற்ற வேண்டிய பணிகள் குறித்து பேச துவங்கும் போதே அவர் பேச்சு தடை பட்டு,போதிய நேரம் வழங்கப்படவில்லை என்று வந்திருந்த தோழர்கள் வருத்தம் தெரிவித்தனர்.

தோழர்களின் வேண்டுகோளை ஏற்று தோழர் Pattabi Raman தமது கருத்துக்களை தொகுத்து வழங்கியுள்ளார் . அவருக்கு வாழ்த்துக்களை உரித்தாக்குகிறோம்.

[BSNL POST VRS - Some Issues கட்டுரையின் தமிழாக்கம்

--written by Com Pattabi]

BSNL விருப்ப ஓய்வுத் திட்டம் விஆர்எஸ் அமலான பிறகு

எழக்கூடிய சில பிரச்சனைகள்

வாடிக்கையாளர் சேவை மையங்கள்/ பழுது நீக்கம்/ BB இணைப்பு வழங்குவது/ சிறிய தொலைபேசி நிலையங்களைப் பராமரிப்பது போன்ற சேவைகளை யாரைக் கொண்டு நடத்தப்படும்? விஆர்எஸ் திட்டத்தின் கீழ் ஊழியர்கள் பெருமளவில் பணிஓய்வில் சென்றபின், மேற்கண்ட பணிகளைச் செய்ய உடனடி அவசரகாலத் திட்டம் என்ன? வாடிக்கையாளர்களை இழந்துவிடாது இருக்கத் தடைப்படாத தொடர்ச்சியான சேவை உறுதி செய்யப்பட வேண்டும்.

மனிதஆற்றல் பயன்பாடு பற்றிய நீண்ட காலத் திட்டம் வெளியிடுக : உதாரணமாக, 1) கார்ப்பரேட் அலுவலகத்தில் 2) மாநில மட்டத்தில் 3) தொலைத்தொடர்பு மாவட்டங்கள் / வணிகப் பகுதிகள் போன்றவற்றில் பதவிப் படிநிலைகள்

வேலை பளுவிற்கு ஏற்ற அடிப்படையில் ஊழியர் அளவீடு : 4) CMTS பராமரிப்பிற்காக 5) CFA பராமரிப்பிற்காக 6) Entrepreneur Business EB (தொழில் முனைவோர் வணிக) விற்பனை முதலானவற்றிற்காக 7) இன்ஸ்டலேஷன், டிரான்ஸ்மிஷன் சேவை முதலியவற்றிற்காக ஒ

வாடிக்கையாளர் சேவை மையங்களில் வேலை பளுவிற்கேற்ற அளவீடுகள் 9) வருவாய் அதிகமில்லாத வட்டங்கள் போன்ற இடங்களுக்கான அளவீடுகள்

எந்த இடங்களில் எல்லாம் இனி 'பணிப் பட்டியலில் நீடிக்கும்' ஊழியர்கள் கட்டாயம் பணியாற்ற வேண்டும்; வேறு எந்த இடங்களில் எல்லாம் வெளியிடத்துப் பணியாளர்கள் (அவுட்-சோர்ஸிங் முறையில்) தேவைப்படுவார்கள் என்பதைத் தொழிற்சங்க அமைப்புகளோடு விவாதித்து அடையாளம் காணுதல்

பூகோள ரீதியான நிர்வாக அமைப்பு முறையில் ஏதேனும் மறுதிட்டமிடுதல் இருந்தால் அதனை வெளியிட வேண்டும். உதாரணமாக, தொலைத்தொடர்பு மாவட்டங்கள்/ வணிகப்பகுதிகள்/ தொலைத்தொடர்பு மாநிலங்கள் (அதாவது சர்கிள்ஸ்)/ டெலிகாம் மெயின்டனஸ் ரீஜினல் பகுதிகள் / புராஜெக்ட் சர்கிள்ஸ் முதலியவற்றை இணைத்தல். அத்தகைய மறுதிட்டங்களை அமல்படுத்தும்போது ஊழியர்கள் அதிகம் இட மாறுதல்கள் செய்யப்படாமல், வாடிக்கையாளர்கள் சேவைபெற அணுகுவதில் சிறிதும் பாதிப்போ அலைக்கழிக்கப்போ இருக்காது என்பதை உறுதி செய்ய வேண்டும்.

2017 நவம்பர் 24 தேதிய டிபிஇ வழிகாட்டல்படி ஊதியமாற்றம் என்பது நிறுவனத்தின் புத்தாக்கத் திட்டத்தின் மீது அமைச்சரவை ஒப்புதலின் வரையறைக்கு உட்பட்டது. BSNL / MTNL நிறுவனங்களின் புத்தாக்கத் திட்டம் அமைச்சரவையின் ஒப்புதலைப் பெற்றதன் காரணமாக -- விஆர்எஸ் திட்டம் ஏற்கனவே துவங்கி விட்டதால், விஆர்எஸ் அமலாக்கம் முடிந்த உடன் – விரைவாக ஊதிய மாற்றம் உறுதி செய்யப்பட வேண்டும்.

MTNLஇணைப்பு அமலாகப்பட, தொழில்நுட்ட ஒருங்கிணைப்பு, கார்ப்பரேட் ஒருங்கிணைப்பு, ஊழியர்கள் (மனிதவளம்) ஒருங்கிணைப்பு என மூன்று குழுக்கள் தொலைத்தொடர்பு துறையால் (டிஓடி) அமைக்கப்பட்டுள்ளது. இந்தக் குழுக்களின் சிபார்சுகள் அடங்கிய அறிக்கை வெளியிடப்பட வேண்டும். இதற்கு முன் ஏர் இந்தியா மற்றும் இந்தியன் ஏர்லைன் இணைப்பு பற்றி பாராளுமன்றக் குழுகளின் எச்சரிக்கை அனுபவம் கருத்தில் கொள்ளப்பட வேண்டும். ஒருங்கிணைப்பு சுமுகமாக நடைபெற (தர்மாதிகாரி குழு) போன்ற ஒன்றை, இதற்கென அமைக்க வேண்டும். BSNL / MTNL நிறுவனங்களின் தொழிற்சங்கங்களோடு நம்பிக்கையுடன் கலந்தாலோசிக்க வேண்டும்.

BSNL/MTNL இணைப்பிற்கு முன்பாக, ஊதியவிகிதங்கள், 78.2 பிரச்சனை, பதவி உயர்வுக்குத் தகுதிச் சேவை ஆண்டுகள் போன்ற பிரச்சனைகளில் சமத்தன்மை; மற்றும், ஊழியர் பணி நிலைமைகளில் விடுமுறை விதிகள், மருத்துவ விதிகள் போன்ற பிரச்சனைகளிலும் தீர்வு காணப்படுவது உறுதிப்படுத்தப்பட வேண்டும். சமத்தன்மை என்பது குறைந்தபட்சம், அமைச்சரவை ஒப்புதல் வழங்கிய 23-10-2019 நாள் முதலாவது ஏற்படுத்தப்பட வேண்டும்.

விஆர்எஸ் ஊழியர் பட்டியல் வெளியிடப்பட்ட 15 நாட்களில் எக்ஸ்கிரீஷியா கூடுதல் கருணைத் தொகையின் முதல் தவணை பட்டுவாடா செய்யப்படுவது உறுதிசெய்யப்பட வேண்டும். இரண்டாவது தவணை அடுத்த ஆண்டு 2020 மே மாதத்திற்கு முன்பு அல்லது நிதி கேட்பு வரைவு (டிமாண்ட்ஸ் ஃபார் கிராண்ட்ஸ், டிஎப்ஜி) அறிக்கைக்கு ஒப்புதல் வழங்கப்பட்ட உடன் (இதில் எது முதலில் வருகிறதோ அதன்படி) வழங்கப்பட வேண்டும்.

விருப்ப ஓய்வில் சென்ற அனைத்து ஊழியர்களின் குறைகளைக் களைந்து அவர்களுக்கு உரிய தொகை – BSNL/ DOT யால்-- இறுதி செய்யப்படும் வரை விஆர்எஸ் செல் / அலுவலகப்பிரிவு செயல்படுவதை உறுதி செய்க. விருப்ப ஓய்வில் சென்றவர்களுக்கு – அவர்களின் குறைகளைச் செவிமடுக்க, தலையிட்டுத் தீர்த்து வைக்க உரிய அலுவலக முறைமை ஏற்படுத்தப்படும் என்ற -- நம்பிக்கைத் தருமளவு குறைந்த பட்சம் மாநில / கார்ப்பரேட் மட்டத்தில் இந்தச் செயல்பாடு உறுதி செய்யப்பட வேண்டும்.

விருப்ப ஓய்வில் சென்ற அனைத்து ஊழியர்களுக்கும் தாமதமின்றி உடனடியாகப் பென்ஷன் PPO உத்தரவுகளை – குறைந்தபட்சம் பென்ஷன் பேப்பர்களை BSNL அலுவலகங்கள் அனுப்பிய இரண்டு மாதங்களில் – அவர்களுக்கு வழங்கிடத் தொலைத் தொடர்பு CCA (கண்ட்ரோலர் அஃப் கம்யூனிகேஷன் அக்கவுண்ட்ஸ்) அலுவலர்கள் அனைவருக்கும் டிஓடி வழிகாட்டுதல்கள் தர வேண்டும்; அதே போன்று BSNL அலுவலகங்களும் ஒரு வாரத்தில் பென்ஷன் பேப்பர்களை ஊழியர்களிடம் கோரிப் பெறவும், அப்படிப் பெறப்பட்ட பேப்பர்களை மேல் நடவடிக்கைக்கு 15 நாட்களுக்குள் உடனடியாக அனுப்பிடவும் உரிய வழிகாட்டுதல் உத்தரவுகளை வெளியிட வேண்டும்.

ஓய்வு பெறும் வயது 58 ஆக்குவது குறித்து அமைச்சரவை அக்டோபர் 23-ல் ஏதேனும் முடிவெடுத்திருந்தால், தொலைத்தொடர்புத் துறை (DOT) அந்தத் தகவலைப் பின்னர் வெளியிட்டிருக்க வேண்டும். ஆனால் துறையின் அக்டோபர் 29 தேதியிட்ட அலுவலக மெமோ அதுகுறித்து

மௌனம் சாதித்தது. அமைச்சரவையின் முடிவு எதனையும் மறைப்பது, அரசாங்கத்தின் தரப்பில் நியாயமானதாக இருக்க முடியாது. ஓய்வு வயது 58 குறித்தான அமைச்சரவையின் முடிவு இருப்பின் அதனை வெளியிடுவது விஆர்எஸ் குறித்து அறிவார்ந்ததொரு முடிவெடுக்க ஊழியர்களுக்கு உதவிகரமான தகவலாக இருக்கும். அதற்கு மாறாக விஆர்எஸ் எப்படி அணுகப்படுகிறது என்பதைக் காத்திருந்து நோட்டமிடுவது ஒரு ஜனநாயக அரசிற்கோ, அல்லது அதன் நிர்வாக முறைமைகளுக்கோ நிச்சயம் நேர்மைமற்ற ஒருவழிமுறையே ஆகும்.

விஆர்எஸ் விருப்பம் தெரிவித்தவர்கள் -- தொழில்துறை அமைச்சகம்/ DOT/BSNL இவற்றின் உதவியோடு -- தங்களுக்குள் கூட்டுறவு அமைப்புகளை ஏற்படுத்திக் கொள்ள உறுதி செய்ய வேண்டும். அவர்கள் விரும்பினால், தொலைத் தொடர்பில் பழுது நீக்கம்/ BBஇணைப்பு வழங்குதல்/ BSNL சேவைப் பொருட்களை விற்பனை செய்தல்/ நிர்மாணப்பணி/ சிறிய தொலைபேசியகங்களை நிர்வகித்தல் முதலானவற்றை 'நல்ல வருவாய் பகிர்வு' அடிப்படையில் அவர்கள் மூலம் (அனுபவம் மற்றும் பயிற்சியின் காரணமாக) திறம்பட மேற்கொள்ள முடியும்.

வேலை பளு சமமான முறையில் பகிர்வதும் / ஊழியர் இடமாறுதல் மிகக் குறைந்த அளவிலே இருக்கும் என்பதுவும் உறுதி செய்யப்பட வேண்டும்.

காலமுறை அடிப்படை ஒப்பந்த ஊழியர் முறையைப் (பிக்சட் டேர்ம் கான்ட்டிராக்ட் சிஸ்டம்) புகுத்த எண்ணினால், சட்டப்படியான அதன் பொருத்தப்பாடு ஆராயப்பட வேண்டும்.

ஒப்பந்தத் தொழிலாளர்கள் முறைதான் பயன்படுத்தப்படும் என்றால் (CLRA act) 'ஒப்பந்தத் தொழிலாளர்கள் முறைப்படுத்துதல் மற்றும் (ஒப்பந்த முறை) ஒழிப்புச் சட்ட'த்தின் அனைத்து ஷரத்துக்களும் தவறாமல் பின்பற்றப்படுவது மட்டுமல்ல, அந்தச் சட்டத்தை மீறுவோர் பொறுப்பாக்கப்பட்டு நடவடிக்கை எடுக்கப்படுவதும் உறுதி செய்யப்பட வேண்டும்.

விஆர்எஸ் திட்ட அமலாக்கத்திற்குப் பிறகுப் பணிப் பட்டியலில் தொடரும் ஊழியர்களின் மாதாந்திர ஊதியம் மாதத்தின் இறுதி வேலை நாளில் வழங்கப்படுவது உறுதி செய்யப்பட வேண்டும்.

மூன்று மாதங்களுக்கு ஒரு முறை கட்டாயமாகச் சங்கங்கள் / அஸோசியேஷன்கள்/ ஊழியர்களோடு 'காலாண்டு வருவாய் விழிப்புணர்வு' கூட்டங்கள் – வணிகப் பகுதி / மாநில / கார்ப்பரேட்

அலுவலக மட்டத்தில் நடத்தப்பட வேண்டும். வருவாயை அதிகரிப்பதற்கான வழிமுறைகள் கண்டறியப்பட வேண்டும். முன் கூட்ட முடிவுகள் மீது எடுக்கப்பட்ட நடவடிக்கைக் குறிப்பு அறிக்கையோடு கூட்ட நிகழ்வுகள் பதிவு செய்யப்பட வேண்டும்.

நிறுவனத்தின் நிலபுலன்கள், கட்டிடங்களை வருவாய் திரட்டும் வகையில் பயன்படுத்தும் 'சொத்துக்கள் மூலம் நிதி திரட்டல்' திட்டம் அமல்படுத்தும் முன் சம்பந்தப்பட்டச் சொத்து இடங்களை நேரில் ஆய்வு செய்யும் 'இடப் பயன்பாடு தணிக்கை' வெளிப்படையாக மேற்கொள்ளப்பட்டு BSNL அலுவலகங்கள் / வாடிக்கையாளர் சேவை மைய இடங்கள் /தொலைபேசி நிலையங்களுக்கானப் போதுமான தேவையான அளவு இடத்தை முடிவு செய்தல் வெளிப்படையாக நடத்திட வேண்டும்.

ஊதிய மாற்றத்தோடு பென்ஷன் மாற்றமும் ஒரே நேரத்தில் மேற்கொள்ளப் படுவது உறுதி செய்யப்பட வேண்டும். வரும் காலங்களில் ஊதிய மாற்றம் / ஓய்வூதிய மாற்றம் செய்யப்படுமானால், விஆர்எஸ் திட்டத்தில் செல்பவர்களுக்கு ஊதிய மாற்றம் பெறவும், ஏனைய அனைத்து வகை பென்ஷன்தாரர்களைப் போல ஓய்வூதிய மாற்றம் பெறவும் உண்டான தகுதி பற்றிய சந்தேகங்கள்/ குழப்பங்கள் தெளிவுபடுத்தப்பட வேண்டும்.

"சொத்துக்களை வருவாய் திரட்டப் பயன்படுத்தலுக்கான வழிகாட்டு கையேடு" ஏர்-இந்தியா போல, பொருத்தமான அனைத்து அரசு சட்ட விதிகளை உள்ளடக்கியதாக வெளியிட வேண்டும். இதன் அமலாக்கத்தில் நியாயமான சொத்து மதிப்பீடும் வெளிப்படைத் தன்மையும் இதனால் உறுதி செய்யப்படும்.

BSNL/ MTNL நிறுவனங்களின் புத்தாக்கம் பற்றி இந்திய அரசு அறிவித்துள்ள தொகுப்பான மொத்த நிதி உதவி வழங்கப்படுவதை உறுதி செய்க; அப்படி வழங்கப்படும் நிதியைத் தொலை தொடர்பு துறை (டிஓடி)யால் செலவீன பயன்பாட்டில் இனவாரியாகப் பிரித்து, தகுதிப்பாடு செய்து உத்தரவிடப்பட வேண்டும். அப்படி ஒதுக்கீடு செய்யப்படும் நிதி எவ்வாறு, யாரால் நிறுவனங்களின் கணக்கில் வரவு வைக்கப்படும்; BSNL/ MTNL நிறுவனங்களின் என்ன தேவைக்காக நிதிஒதுக்கீடு அளிக்கப்படுகிறது என்பன குறித்துத் தெளிவாக வரையறுத்து நிதிவழங்கல் - வழிகாட்டு நெறிகள் வெளியிடப்பட வேண்டும்.

அக்டோபர் 22, 2019 தேதியிட்ட அமைச்சரவைக் குறிப்பின் நகல் மற்றும் DOTதுறை முன் வைத்த (புத்தாக்கத்) திட்ட அறிக்கை (ப்ரபோசல்) மீது அமைச்சரவை அனுமதி வழங்கியதன் நகல் இவற்றைச் சங்கங்கள் மற்றும் அஸோசியேஷன்களிடம் வழங்கிடுக.

ஓய்வு பெறும் வயது 58 பற்றிய பிரச்சனை:

ஓய்வு பெறும் வயதை 60 ஆண்டுகளிலிருந்து 58ஆக மாற்றியமைக்கும் உரிமை அரசிற்கு உண்டு. அத்தகைய முடிவை எடுப்பதற்கு முன், அரசு / DOT துறை, BSNLநிறுவனத்தில் இணைந்த (அப்ஸார்ப்டு) ஊழியர்களுக்கு அரசு விதிகள் பொருந்தாது என்பதைத் தெளிவாக எழுத்து பூர்வமாக அறிவிக்க வேண்டும்.

MTNLஐப் பொருத்தவரை, பொதுத்துறை நிறுவனங்களின் ஊழியர்களின் ஓய்வு பெறும் வயதை 60ஆக உயர்த்திய DPEஉத்தரவின்படி அதிகரிக்கப்பட்டது. ஆனால் BSNLஊழியர்களோ ”60 வயது என்ற FR 56-ஏ அரசு விதி”யோடு உள்ளே வந்தவர்கள். எனவே, BSNLநிறுவனத்தில் இணைந்த (அப்ஸார்ப்டு) ஊழியர்களுக்கு FR 56-ஏ விதி பொருந்தாது என்பதை அரசு தெளிவாக வரையறைத்து அறிவிக்க வேண்டும். அப்படி அறிவிக்கப்படாமல் ஓய்வு பெறும் வயதை 58ஆகக் குறைப்பது சட்டத்தின் பரிசீலனையில் செல்லத்தக்கதாக நில்லாது.

நமது NFTE சங்கம் மற்றும் ஏனைய சங்கங்களோடு 2001ல் BSNL உடன்பாடு 60 வயது என்பதை அரசின் விதிப்படி உறுதி செய்தது.

ITS அப்ஸார்ப்ஷனுக்கான 2005 BSNL வழிகாட்டு நெறிகள் 60 வயது என்பதை அரசின் விதிப்படியே உறுதி செய்தது.

BSNL CDA 55--a விதி ஓய்வு பெறும் வயது 60 என உறுதியளித்தாலும், அரசின் விதிப்படி என்ற சொல்லாடல் அதில் இடம்பெறவில்லை.

மற்றொரு இடர்பாடு சட்ட ஷரத்து 37-ஏ துணை விதி 4 இவ்வாறு உள்ளது: அப்ஸார்ப்ஷனுக்கான விருப்ப மனு ஒப்புக்கொள்ளப்பட்ட பிறகு, ஊழியர்கள் அரசு ஊழியர்கள் என்ற அந்தஸ்தை இழக்கிறார்கள்; எனவே ல் 58 வயது என்பதைத் தவிர்ப்பதற்கு அவர்களுக்கு FR 56-ஏ பொருந்தும் என்பது உறுதி செய்யப்பட வேண்டும்.

--தோழர் பட்டாபி தனது pattabiwrites வலைத்தளத்தில்

பதிவிட்டது 7-11-19 11.30 am

--தமிழில் : நீலகண்டன், என்எப்டிஇ, கடலூர்

Jan 4 2020

The issue of Pension Revision for BSNL IDA Pensioners

(Few words for the kind attention of fair minded unbiased friends)

Pension revision of past pensioners from a particular date (1-1-2017 for those demanding on IDA 3rdprc / 1-1-2016 those demanding as per 7th CPC) is linked with the benefits of the Future Pensioners (post 2017 / post 2016) getting from that date (1-1-2017 / 1-1- 2016) thro pay revision. This pay revision would help the post pensioners to get their 'fixed pension after retirement ' revised and also helping the past pensioners retired before that date. This is possible if the demand of cut off date is 1-1-2017. CPC pay revision is not applicable to these post 2017 pensioners.

When we demand pension revision from 1-1-2017/ 2016 , the demand itself covers only those pensioners retired before 2016/ 2015. Suppose any order issued as per either of these demands (IDA/ CDA) in the coming days then the coverage of that order would exclude more than one lakh post 2017 / 2016 pensioners.

If pay revision is there then pay revision order would help these pensioners and a separate pension revision order for the past pensioners would soon follow. If not how these more than one lakh excluded pensioners as of Feb 2020 would get their revised pension .? How the future pensioners till 2027/ 2026 (without pay revision) get their discrimination set right and get revised pension . If there is change in their pay then only that would reflect in their pension.

Can there be pay revision as per past pensioners' pension revision ? This is shown as the remedial step by some associations for post 2017 / 2016 pensioners.

Delinking cannot be until a future pensioner is there. If there is no future pensioner at a particular cut off date for revision of pension then the question of linking pension revision with pay revision / the question of any differential treating of giving benefits to the pensioners on a particular cut off date does not also arise.

One may claim pension as a right but not pension revision which is greatly linked with the concept of modified parity recommended by CPCs on the light of D S Nakara case.

The case taught us that Art 14 of our Constitution is attracted where equals are . treated differently without any reasonable basis. The guarantee is that all persons similarly circumstanced shall be treated alike. A discriminatory action is liable to be struck down unless it can be shown by the Govt that the departure was not arbitrary but was based on some valid principle which in itself was not irrational, unreasonable or discriminatory.

The demand of pension revision delinking pay revision though born before the cut off date but still a demand on Feb 2020 and after that discriminates a considerable section

of pensioners (post 2017) which is against the spirit of Nakara judgement. There cannot be any differential treatment amongst BSNL IDA pensioners retired before 2017 and started retiring after 2017. The demand of pension revision without taking this point is itself a discriminatory demand.

Kindly educate and enlighten me.

jan 9 2020

மத்திய அரசாங்க ஊழியர்கள் ஊதிய மாற்றப் பலன்களை 7வது ஊதியக்குழு அடிப்படையில் கடந்த ஜனவரி 2016 முதல் பெற்றனர். டிசம்பர் 2015 வரை ஓய்வுபெற்ற பென்ஷனர்களும் பென்ஷன் உயர்வுக்குரிய பலனை ஜனவரி 2016 முதல் பெற்றனர். அங்கு ஊதிய மாற்றம்- பென்ஷன் மாற்றம் என ஒருசேர நடந்தது. ஊதிய மாற்றமின்றி தனியாக பென்ஷன் மாற்றம் நடைபெறவில்லை. பென்ஷன் மாற்றம் நடந்ததால் அதை தொடர்ந்து ஊதிய மாற்றம் நடைபெறவில்லை.

பி எஸ் என் எல்லில் ஓய்வுபெற்றவர்கள் (BSNL IDA Pensioners) தங்களது ஓய்வூதிய மாற்றத்தை 2011ல் பெற்றனர். இரண்டாவது PRC அடிப்படையில் ஊழியர்கள் ஊதிய மாற்றம் பெற்றப் பின்னர் பென்ஷனர்களும் அதே அளவு பலனை ஜனவரி 2007 முதல் பெற்றனர்.

மூன்றாவது PRC நிபந்தனைகளால் இதுவரை பி எஸ் என் எல் ஊழியர்கள் ஊதிய மாற்றம் பெற முடியாமல் போயுள்ளது. இதற்கான போராட்டங்களை தொழிற்சங்கங்கள் தொடர்ந்து நடத்தி வருகின்றன. ஆனால் 'கிடைக்குமா - எப்போது கிடைக்கும் - எந்த அளவில் பலன் கிடைக்கும் ' என்கிற சூழல் இதுவரை தென்படவில்லை. சோராமல் போராடவேண்டிய பொறுப்பில் உழைப்பவர்கள் அங்கு இருந்து கொண்டிருக்கிறார்கள்

பென்ஷனர் அசோசியேஷன்கள் எவ்வித கருத்துவேறுபாடும் இல்லாமல் பி எஸ் என் எல் இருக்கும் சூழலை கணித்துவிட்டு delinking pension revision from pay revision என்கிற கோரிக்கையில் அழுத்தம் தரத்துவங்கினார்கள். போராடவும் செய்தார்கள். தொழிற்சங்கங்களும் தங்களது போராட்டக்கோரிக்கையாக இதை முன்வைத்தன.

பலன்களை எந்த வகையில் பெறுவது என்பதில் அசோசியேஷன்கள் மாறுபட்ட கருத்தைக் கொண்டன. சிலர் 7வது ஊதியக்குழு அடிப்படையில் ஜனவரி 2017 முதல் என்றனர். வேறு சிலர் 3வது ஊதிய கமிட்டி அடிப்படையில் 15 சதம் என்றனர். 7 வது ஊதியக்குழு அடிப்படையில் என்றவர்கள் தங்கள் நிலைப்பாட்டில் ஒரு மாற்றத்தையும் உருவாக்கினர். ஜனவரி 2016 முதல் பலன் - CDA Conversion அடிப்படையையும் ஏற்கலாம் என்றனர். இதனால் தொடர்ந்து வரக்கூடிய காலங்களில் மத்திய அரசு பென்ஷனர் பெறும் போதே நாமும் பெறலாம் என்கிற விளக்கமும் தரப்பட்டது. கணக்கீடுகள்

விளக்கப்பட்டு ஆங்காங்கே பென்ஷனர்களின் ஆதரவும் திரட்டப்பட்டது.

அதிகாரிகள் அமைச்சர்கள் சந்திப்பில் ஏற்பட்ட நம்பிக்கைகள் பலனளிக்கவில்லை என்கிற செய்தி வரத்துவங்கியதும் மாற்றுவழிகளை காண்பது என்று சிலர் முயற்சிக்க துவங்கியுள்ளனர்.

மிக எளிமையான ஒற்றைவரி கோரிக்கை 'பென்ஷன் ரிவிஷன்'. போராடியோ- விவாதித்தோ- அரசியல் அழுத்தத்தாலோ- சட்ட படிக்கட்டுகளின் வழியாகவோ ரிவிஷன் கோரிக்கை தீர்ந்தால் பலன் அடைபவர்கள் 2015/ 2016 டிசம்பர் வரை ஓய்வு பெற்றவர்கள்.

அடுத்து வருகிற மிக எளிமையான கேள்வி ஜனவரி 2016/ 2017 முதல் ஓய்வுபெற்று வருகிறவர்கள் வருகிற பிப்ரவரியில் லட்சம் தோழர்கள் இருப்பர். இவர்களுக்கான கோரிக்கை ஏதாவது உண்டா இல்லையா? அவர்களும் இன்று பென்ஷனர்கள்தான்.

'பென்ஷன் மாற்றம் ஜனவரி 2016/2017 முதல்' என தாங்கள் விழையும் உத்தரவை அசோசியேஷன் பெற்றால் இந்த தோழர்களுக்கு எப்படி பென்ஷன் ரிபிக்சேஷன் (Refixation) நடைபெறும். அவர்கள் 'ஊதிய மாற்றம் பெற்றால்தான்' அவர்களுக்கு 'பின் தேதியிட்டு அப்பலன்கள் உண்டு என சொல்லப்பட்டால் மட்டுமே' இப்போது ஓய்வுபெற்றுவரும்போது நிர்ணயிக்கப்படும் பென்ஷனை உயர்த்தி refix செய்ய முடியும்.

முந்திய பென்ஷனர் சி டி ஏவில் பென்ஷன் பெற்றுக்கொண்டும் பிந்திய பென்ஷருக்கு ஐ டி ஏவிலும் பென்ஷன் நிர்ணயம் செய்யப்படும் நிலையை எப்படி மாற்றுவது. பென்ஷன் ஊதிய அடிப்படையில் நிர்ணயிக்கப்படுகிறது. அவருக்கு ஊதிய மாற்றம் செய்யவேண்டிய பொறுப்பு பி எஸ் என் எல் சார்ந்தது. பென்ஷன் பிரச்சனை வருவதால் அதற்கு ஒப்புதல் தரவேண்டிய பொறுப்பு டி ஓ டி க்கு. சம்பள மாற்றம் வராமல் எப்படி இவர்களின் பென்ஷன் உயரும்.

Past Pensioners எனப்படும் ஓய்ய்வூதியர்கள் மட்டும் தனியாக பென்ஷன் ரிவிஷனை ஜனவரி 2015/ 2016 லிருந்து பெறுவது பென்ஷனர்களை இரு கூறாக்கிவிடும். 'Delinking Pension Revision from Pay revision' என்பதோ 'Pay revision இல்லாவிட்டாலும் pension revision' என்பதோ 'பி எஸ் என் எல் அய் டி ஏ பென்ஷனர்களை' இரு வேறு நிலைகளில் வைத்துவிடும். முந்திய பென்ஷனர்கள் ரிவிஷன் காரணமாக 7வது ஊதியக்குழு/ 3 வது ஊதிய கமிட்டி பலன்களை பெற்றவர்களாகவும்- ஜனவரி 16/ 17 பென்ஷனர்கள் தொடர்ந்து இரண்டாவது ஊதியக் கமிட்டி அடிப்படையில் பென்ஷன்

பெறுபவர்களாகவும் நீடிக்கும் நிலை ஏற்படும். இது பென்ஷனர் ஒரே வர்க்கம் என்கிற நிலைப்பட்டிற்கு உகந்ததாக இராது.

பிந்திய பென்ஷனர்கள் (அதாவது ஜனவரி 2016/ 17 அன்று ஊழியர்கள்) எப்படி பலனைப் பெறப்போகிறார்கள் என்பது uncertainty ஆக உள்ள சூழலில் முந்திய பென்ஷனர்கள் பலனைப் பெறுவது 'certain' என்பது குழப்பத்தை அதிகப்படுத்தும். இதுவரை நிலவிவந்த ஊதியக்குழுக்கள் கடைப்பிடித்த modified Parity என்பதும் உடைபடும்.

கடந்தகால அனுபத்திலிருந்து மத்திய அரசாங்கத்தில் தரப்படுவது போல் Simultaneous Pay and Pension Revision என்பது மட்டுமே 'முந்திய-பிந்திய' பென்ஷனர்களை ஒன்றுபடுத்தும் கோரிக்கையாக அமையும். Delinking என்பது பிரிக்கின்ற கோரிக்கையாகவே இருக்கும்.

இனிவரப்போகிற பென்ஷனர்கள் எண்ணிக்கை லட்சத்தை தாண்டும் நிலையில் அவர்களது உணர்வுகளையும் கணக்கில் கொள்ளாமல் பெரும் அமைப்புகள் கோரிக்கைகளில் நகர்தலை செய்வதும் கடினமாக இருக்கும். 'உங்களுக்கு வந்ததால் எங்களுக்கும் வந்தது' (Employee- Pensioner) போன்றதல்ல 'எங்களுக்கு வந்தால் உங்களுக்கும் வரும்' (Pensioner- Employee) என்பது . இரண்டிற்கும் பெரும் வித்தியாசம் உள்ளதை ஊன்றிப் பார்த்தால் உணரமுடியும்.

எந்தவொரு சமூகமும் அங்குள்ள உழைப்பவர்களைவிட ஓய்வுபெற்றவர்களுக்கு முன்னுரிமை கொடுக்கவேண்டும் என பொதுவாக நினைக்காது. உழைத்துக்கொண்டிருப்பவர்களுக்கு கொடுக்கவேண்டிய கௌரவத்தை முன்பு உழைத்தவர்களுக்கும் கொடுக்கவேண்டும் என்ற எதிர்பார்ப்பில் தவறேதுமில்லை. சமூகம் அதை புறக்கணிக்காது.

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(தோழர் R. பட்டாபிராமன் (BSNL ஐடிஏ ஓய்வூதியர்) தனது வலைப்பூ பக்கத்தில் இரவு 9 மணி 20-03-2020ல் பதிவிட்டதன் தமிழாக்கம்)

ஓய்வூதிய நலச்சங்கப் பொதுச் செயலாளரின் சுற்றறிக்கையின் மீது சில பார்வைகள்

ஓய்வூதிய நலச்சங்கப் பொதுச் செயலாளரின் (GS, pensioners Assn PWA) மார்ச் 8 தேதியிட்ட சுற்றறிக்கையை மார்ச் 19 அன்று நலச்சங்கத்தின் ஒரு மாவட்ட இணையதளத்தில் நான் படிக்க நேரிட்டது. ஆனால் அதனை மத்திய சங்க இணையதளத்தில் பார்க்க முடியவில்லை. எனினும் மாவட்டச் சங்க இணையதளத்தில் உள்ள அந்த அறிக்கை அதிகாரபூர்வமானதுதான் என எடுத்துக்கொண்டு அதன் மீதான எனது சில அவதானிப்புகளை முன் வைக்கிறேன்.

சில சந்தேகங்களுக்கும், சில தோழர்கள் குறிப்பாக ஓய்வூதிய நலஅமைப்பின் துணைப் பொதுச் செயலராகவும் உள்ள தோழர் முத்தியாலு எழுப்பிய கருத்து மாறுபாடுகளுக்கும் (dissents) பதிலளித்ததன் மூலமாகப் பொதுச் செயலாளர் அமைப்பு ரீதியான தனது கடமையை ஆற்றியுள்ளார். அமைப்பின் அடிப்படை கட்டமைப்பு நடைமுறைகளுக்குள் விரிவாக நான் நுழைய விரும்பவில்லை; மாறாக, ஒன்றிரண்டு செய்திகளைப் பகிர விழைகிறேன்.

•சிறுபான்மை – ஒழுங்கின்மை அல்லது ஒழுங்கீனம்•

அநேக அமைப்புக்களிலும் நிலவும் கருத்தோட்டம் 'பெரும்பான்மை' (மெஜாரிட்டி) என்பது அவர்கள் ஒப்புக் கொள்கிறார்களோ இல்லை அமைதியாக இருக்கிறார்களோ, பொதுவாக மிகவும் கட்டுப்பாடான பிரிவினர்; 'சிறுபான்மை' (மைனாரிட்டி) என்பது அவர்கள் தங்கள் மாறுபட்ட கருத்தை அல்லது வேறுபாடுகளை வெளிப்படையாகக் கூறும்போது ஒழுங்கீனமான பிரிவினர். (அதாவது, மெஜாரிட்டி = கட்டுப்பாடு; மைனாரிட்டி = ஒழுங்கீனம்).

அந்த அறிக்கையிலும் 'சிறுபான்மையினருக்கு ரத்து அதிகாரம் கிடையாது' (மைனாரிட்டி ஹாஸ் நோ வீட்டோ) என்பது எடுத்துச் சொல்லப்பட்டிருக்கிறது. ஆனால் அந்த வாக்கியத்தின் அடுத்த பகுதியான 'பெரும்பான்மை தலைகனம் கொள்ளக் கூடாது' (மேஜாரிட்டி ஷுட் நாட் பி இன்டாக்ஸிகேட்டெட்) என்பதை நாம் காண

முடியவில்லை. இரண்டும் இடம் பெற்றால்தான் சமன்பாடு, சமநிலை பேணப்படும்.

மத்திய செயற்குழுவோ அல்லது அமைப்பின் வேறு எந்த ஃபோரமும் கூட நம்முடைய பாராளுமன்றம் போலத்தான். பாராளுமன்றத்தில் வேறுபட்ட தத்துவங்களை உடைய உறுப்பினர்கள்; அங்கே, முடிவுகள் பெரும்பான்மையின் அடிப்படையில் எடுக்கப்படுகின்றன; அந்த முடிவுகள் அமல்படுத்தவும் படலாம். அதன் பிறகும் கூட, அந்த முடிவிலிருந்து மாறுபட்ட கொள்கை உடைய சிறுபான்மையினர், எடுக்கப்பட்ட முடிவைக் குறித்தத் தங்களின் கருத்தை வெளிப்படையாகத் தங்களைத் தேர்ந்தெடுத்த மக்களிடம் எடுத்துச் சென்று கூறலாம்; முடிவின் சாதக பாதகங்களை அல்லது அதன் நியாயமற்ற தன்மையை, அது அறிவார்ந்த முடிவா என்பதை எல்லாம் விவாதிக்கலாம். குடியுரிமை திருத்தச் சட்டம் (சிஏஏ), தேசிய மக்கள் தொகை பதிவேடு (என்பிஆர்) மற்றும் தேசிய குடியுரிமை ஆவணம் (என்ஆர்சி) பிரச்சனையின் மீது நமது நாட்டில் சமீபமாக நடந்து வருவதைப் பார்க்கிறோம்.

காந்திஜி லூயிஸ் பிஷரிடம் கூறினார், "•மைனாரிட்டிகள் எவ்வாறு நடத்தப்படுகிறார்கள் என்பதை வைத்துத்தான் ஒரு நாகரிக குடிமைச் சமுதாயம் தீர்மானிக்கப்படும்"• (மகாத்மா காந்தி வாழ்க்கை நூலின் 527 பக்கம்).

ஆனால் ஸ்தாபன அமைப்புகள் பொதுவாக இந்தப் பாராளுமன்ற நடைமுறையை ஒரு (சுமையான) ஆடம்பரமாகக் கருதுகின்றன. அறிக்கையில் பொதுச் செயலாளர் குறிப்பிடுகிறார், "அமைப்பின் பல மட்டங்களிலும் இப்படி ஆளுக்கு ஆள் ஒவ்வொருவரும் தங்கள் கருத்துகளை உறுப்பினர்களிடம் சுற்றுக்குவிடத் துவங்கினால், பிறகு ஸ்தாபன அமைப்பே நகைப்பிற்கு இடமாகிவிடும்."

பொதுவாக அமைப்புக்களில் ஒரு முடிவு எடுக்கப்பட்டு விடுமானால், அதன் பிறகு அந்த முடிவு புனித மத நூல்களில் கூறப்பட்டது போல மதித்து நடக்க வேண்டும்; அந்த முடிவின் அறிவார்ந்த தன்மை பற்றி எவரும் கேள்வி கேட்க உரிமை அற்றவர்கள்; (அதையும் மீறி) அப்படி அவர்கள் கேள்வி கேட்பார்கள் எனில், அது ஒழுங்கு கட்டுப்பாடு மீறிய ஒழுங்கீனமாகவே கருதப்படும்.

(பாராளுமன்றத்தில் மைனாரிட்டியும் மக்களும் போல) நமது அமைப்பைப் பொருத்து இங்கே மக்கள் என்பது ஓய்வூதியர்கள்; ஆனால் மைனாரிட்டியினருக்கு இங்கேயோ தங்கள் கருத்தை

மக்களிடம் எடுத்துக் கூற அதாவது ஓய்வூதியர்களிடம் எடுத்துக் கூற உரிமை இல்லை.

*தேவையற்ற குறிப்பிடுதல்:

பொது செயலாளரின் அறிக்கையில் 'இடது'(சாரி அரசியல்) பற்றி குறிப்பிடப்பட்டுள்ளது. எனது நோக்கம் அவர் மீது எந்த அரசியல் சாயத்தையும் பூசுவது அல்ல. ('இடது' பற்றி குறிப்பிடக் கூடாதா எனில்) இடதுசாரியும் விமர்சனத்துக்கு அப்பாற்பட்டதல்ல; எனினும் இதில் அவர்களின் குற்றம் எதுவும் இல்லாதபோது 'இடது'சாரிகளின் பெயரை இழுத்தும், அவர்களின் அரசியல் எதிர்காலம் பற்றி விமர்சித்தும் எதற்காகப் பொதுச் செயலாளர் அறிக்கையில் (தேவையில்லாமல்) குறிப்பிட வேண்டும் என்பதுதான்.

(அதே போல) '*நம்பூதிரி மற்றும் கம்பெனி' என்றச் சொல்லாடலும்கூட ஒரு பொறுப்பான அமைப்பிற்கு நல்லதல்ல. (நல்ல சுவையில் அது சொல்லப்படவில்லை). இது பற்றியும் எனது நோக்கம் தோழர் நம்பூதிரிக்காக எந்தவகையிலும் பரிந்து பாதுகாப்பதல்ல, மாறாக, பக்குவப்பட்ட பண்பாடு மதிப்புடை மொழிப் பயன்பாட்டை வலியுறுத்திப் பாதுகாப்பதே.

*(விவாதப்) பிரச்சனை

அறிக்கையிலிருந்து ஓய்வூதிய நல அமைப்பு கீழ்க்கண்டவாறு கோரிக்கை எழுப்ப முடிவெடுத்து விட்டதாகத் தோன்றுகிறது. பென்ஷனை சிடிஏ முறைக்கு மாற்றும் பார்மூலா முதலிய பல வாய்ப்புகளை நன்கு ஆராய்ந்த பிறகு 7வது ஊதியக்குழு பரிந்துரை அடிப்படையில் 01-01-2017 முதல் பென்ஷன் மாற்றத்தைக் கோருவது : "(கனம் கோர்ட்டார் முன்) எங்களது பிராத்தனை ஐடிஏ அடிப்படையில் 7வது மத்திய ஊதியக்குழுவின் பொருத்தப்பாடு அம்சத்தோடு 01-01-2017 முதல் பென்ஷன் மாற்றம்"

7வது ஊதியக்குழு பரிந்துரையின் எந்த அம்சமும் பொருந்தும் வகையில் BSNL ஐடிஏ பென்ஷனர்களுக்கும் நீட்டிப்புச் செய்ய, 01-01-2016 முதல் என அறிவித்து DOT ஒரு உத்தரவு வெளியிட்டால் போதும். அது எது போல என்றால், DOT தனது 16-03-2017 தேதியிட்ட உத்தரவின் மூலம் கிராஜூட்டியை உயர்த்தியது போல. உத்தரவின் பொருத்தப்பாடு அந்தத் தேதியில் 'சேவையில் உள்ள ஊழியர்களுக்கும்' அதாவது எதிர்கால பென்ஷனர்களுக்கும் பொருந்தும். (இவ்வாறு வழிமுறை விளக்கப்படுகிறது)

ஆனால் டிஏ-வோடு இணைந்த கிராஜூட்டி உயர்வு, குறைந்தபட்ச பென்ஷன் தொகை ரூ9000/= போன்ற சில அம்சங்கள் உத்தரவில் உட்பொதிந்து சேர்க்கப்படுவது என்பது, அமைச்சரவையின் ஒப்புதலைப் பெற்ற பிறகு, பென்ஷன் மாற்றம் குறித்த உத்தரவுகளை DOT வெளியிட்டால் மட்டுமே சாத்தியம்.

பென்ஷன் மாற்றம் குறித்து, தகவல் உரிமைச் சட்டத்தின் (ஆர்டிஐ) கீழ் பென்ஷன் மற்றும் பென்ஷனர் நல இலாக்கா DOPPW வழங்கிய பதில்கள் நாம் அறிந்ததுதான். நினைவூட்டுவதற்காக அதன் முக்கிய பகுதிகள் கீழே:

பென்ஷன் மற்றும் பென்ஷனர் நல இலாக்காவின் 04-08-2016 தேதியிட்ட அலுவலக கடிதத (OM)படி சம்பந்தப்பட்ட பத்தி கீழ் வருமாறு:

“அரசு ஊழியர்கள் பொதுத்துறை நிறுவனத்தில் நிரந்தரமாக அப்ஸார்ப் செய்யப்பட்டு, தொடர்ந்து அரசிடமிருந்து தனியே பென்ஷன் பெறுவார்கள் எனில், அத்தகைய அப்ஸார்ப்டு ஊழியர்களின் பென்ஷன், இந்த உத்தரவுகளின் நிபந்தனைப்படி, மாற்றியமைக்கப்படும்...”

அந்த உத்தரவு குறித்த மேற்கண்ட பத்தி ப்ரோ ரேட்டா பென்ஷனர்களைப் (விகிதாசார அடிப்படை ஓய்வூதியம்) பற்றி பேசுகிறது.

7வது ஊதியக்குழு பொருத்தப்பாடு பற்றி DOPPW ஆர்டிஐ சட்டத்தின் கீழ் அளித்த 04-07-2018 தேதிய பதில்:

“பொதுத்துறை நிறுவனத்தில் அப்ஸார்ப் செய்யப்பட்டு, தங்களின் அரசு சேவை மற்றும் பொதுத்துறை சேவை இரண்டின் கூட்டுச் சேவைக்கு (கம்பைன்டு சர்வீஸ்) ஐடிஏ முறையின்படி பென்ஷன் பெறுபவர்கள் இந்த உத்தரவுகளின் வரம்புக்குள் வர மாட்டார்கள்”

(அதாவது, 7வது ஊதியக்குழு முடிவுகள் ஒட்டுமொத்தமாக அப்படியே நமக்குப் பொருந்தாது. சில குறிப்பிட்ட அம்சங்கள் நீட்டிக்கப்பட வேண்டுமானால் தனித்து உத்தரவிடப்பட வேண்டும் – மொழிபெயர்ப்பாளர் இணைத்தது)

7வது ஊதியக்குழு உத்தரவுகள் பொருத்தப்பாடு பற்றி ஆர்டிஐ கேள்விக்கான விளக்கமாக 10-08-2018 தேதியிட்ட DOPPW ன் பதில்: (பொருத்தமுடைய அலுவலக உத்தரவு தேதி 04-08-2016 மற்றும் 12-05-2017 பொருத்தமுடைய பத்திகள்)

“அரசு சேவை மற்றும் பொதுத்துறை சேவை இரண்டின் கூட்டுச் சேவையாற்றி (கம்பைன்டு சர்வீஸ்) ஐடிஏ முறையின்படி பென்ஷன் பெறுபவர்களுக்கு, இயல்பாகவே இந்த உத்தரவுகள் பொருந்தாது என்பது வெள்ளிடை மலை”

*விதி 37 – ஏ உபவிதி 4-ஐ எதிர்த்து வாதிடல்:

இந்தப் பின்னணியில் பொதுச் செயலாளர் பின்வருமாறு அபிப்பிராயப்படுகிறார் என்பது அவரது அறிக்கையில், “DOT சொல்கிறது நாமெல்லாம் மத்திய அரசு ஓய்வூதியர்கள் அல்ல. உபவிதி 4 சொல்கிறது –உச்சநீதிமன்ற 15-12-1995 தேதியிட்டத் தீர்ப்பை மேற்கோள் காட்டி-- விதி 37-ஏ வின்கீழ் உபவிதி 4ஐ நாம் எதிர்க்க விரும்புகிறோம் என்று” (என்பதிலிருந்து தெரிகிறது.)

*15-12-1995 தேதியிட்ட உச்சநீதிமன்றத் தீர்ப்புதான் என்ன?

அதில் நுழைவதற்கு முன் அதற்கு முந்தைய பின்னணியைப் பழைய தீர்ப்புகளின் வாயிலாகத் தெரிந்து கொண்டால் பிரச்சனைப் பற்றிய புரிதல் அறிவு கூடும் என்பதற்காகப் பின்வருவதைத் தெரிவிக்கிறேன்.

காமன் காஸ் (பொதுப் பிரச்சனைக்கான அரசு சாரா அமைப்பு) மூன்றில் ஒரு பங்கு கம்யூட்டெட் செய்யப்பட்ட பென்ஷனை 12 ஆண்டுகளில் மீண்டும் முழு பென்ஷனாக மீட்பளிப்பு செய்து வழங்க வேண்டும் என்பதற்கான சட்டப் போராட்டத்தை முன்னெடுத்தது. நீதியரசர் ரங்கநாத் மிஸ்ரா தலைமையிலான உச்சநீதிமன்ற பெஞ்ச் 1986 டிசம்பர் 9 அன்று ஒரு தீர்ப்பு வழங்கியது.

(Common Cause அமைப்பைப் பற்றி விக்கிபீடியா தகவல் பின் இணைப்பு 1ல் காண்க)

•வழக்கின் சாராம்சம் இது: வருங்காலப் பென்ஷனில் ஒரு பகுதியை முன்னதாக வழங்கும் வகையில் கம்யூட் செய்து, அந்தத் தொகையை எதிர்காலப் பென்ஷனில் பிடித்துக் கொள்ள அரசுக்கு ஊழியர்கள் ஒப்புதல் வழங்கும் ஒரு முறையே கம்யூடேஷன் பென்ஷன். தற்போது மருத்துவ வாழ்வியல் முன்னேற்றம் காரணமாக மனிதர்களின் ஆயுட்காலம் அதிகரிக்கிறது. இந்நிலையில் அரசு வழங்கிய கம்யூட்டெட் பென்ஷன் தொகை மதிப்பை 12 ஆண்டுகளிலேயே ஏறத்தாழ முழுமையாக அரசு திரும்பப் பெற்று விடுகிறது. ஆனால் 15 ஆண்டுகள் வரை இதற்கான பிடித்தம் தொடருவதில் எந்த நியாயமும் இல்லை. எனவே 12 ஆண்டுகள் முடிந்ததுமே முழு பென்ஷனை மீண்டும் மீட்பளிப்பு செய்து வழங்க உத்தரவிட வேண்டுகிறோம். இதற்காகச்

சட்டப்பிரிவு (ஆர்ட்டிகல்) 32 ன் கீழ் இந்த மனு சம்பந்தப்பட்ட விதிகளில் சில ஷரத்துக்களை நீக்க வேண்டி மனுதாரர்களால் சமர்ப்பிக்கப்படுகிறது. பிடித்தம் செய்ய ஒப்புதலளித்த ஊழியர்களிடமிருந்து மேலதிகமாகப் பிடித்தம் செய்வதை நிறுத்தவும், 12 ஆண்டுகளில் முழு பென்ஷன் அளிக்கும் வகையில் சரியான வகையில் சீரமைப்பு செய்து உரிய திட்டம் வகுக்கவும் உத்தரவிட வேண்டுகிறோம்.”

இந்த வழக்கில் உச்சநீதிமன்றத்தின் வழிகாட்டல் உத்தரவு, ”எனவே நாங்கள், நன்கு பரிசீலனை செய்ததில், பாதுகாப்புப் படை ஊழியர்களுக்கென்று தனித்த கால வரைமுறை நிர்ணயம் செய்யத் தேவையில்லை; அவர்களுக்கும் ஏனைய குடிமைப் பகுதி ஊழியர்களுக்கு உரிமையளித்து வழங்குவது போலவே 15 ஆண்டு முடிந்ததுமே பிடித்தம் செய்யப்படும் கம்யூட்டெட் பகுதி பென்ஷனும் முழுமையாக மீண்டும் மீட்பளிப்பு செய்து வழங்க வேண்டும். அவர்களுக்கும்கூட அமல் தேதி 01-04-1985ஆக இருக்கும்”

மேற்கண்ட இந்தத் தீர்ப்பை அமல்படுத்த DOPPW வெளியிட்ட பொருத்தமான உத்தரவு பின்வருமாறு:

DOPPW இலாக்கா அலுவலக உத்தரவு தேதி 1987 மார்ச் 5:

(உத்தரவு கடித) பொருள்: கம்யூட் செய்யப்பட்ட (பென்ஷன்) பகுதியை 15 ஆண்டுகளுக்குப் பிறகு மறு மீட்டளிப்பு செய்து வழங்கல் – உச்சநீதிமன்றத் தீர்ப்பை அமல்படுத்துவது – தொடர்பாக

அந்த உத்தரவில் பின்வரும் பத்தியும் இடம் பெற்றுள்ளது. அந்தப் பத்தி வருமாறு,

“ 4 : மூன்றில் ஒரு பங்கு பென்ஷனை கம்யூட் செய்து பெற்ற அல்லது அதற்காக விருப்பம் தெரிவித்த மற்றும் (மூன்றில் ஒரு பங்கு பென்ஷனை கம்யூட் செய்த பிறகு அதற்குச் சமமாக) இதர ஓய்வூதியப் பலன்களை பெற்ற மத்திய பொதுத்துறைகளில் அப்சார்ப்டு செய்யப்பட்ட மத்திய அரசு ஊழியர்கள், இந்த உத்தரவுகளின் கீழ் எத்தகைய பலன்களையும் பெற உரிமை கிடையாது – ஏனெனில், அவர்கள் மத்திய அரசு பென்ஷனர்களாகத் தொடர்ந்து திகழவில்லை. (ceased to be CG Pensioners)” (அழுத்தம் மொழிபெயர்ப்பாளர் சேர்த்தது)

(இப்போதுதான் பொதுச் செயலாளரின் அறிக்கையில் குறிப்பிட்ட1995 டிசம்பர் 15ம் தேதியிட்ட உச்சநீதிமன்றத் தீர்ப்புக்கு வருகிறோம்)

மேற்கண்ட உத்தரவு பத்தி 4 ஒரு புதிய பிரச்சனையை உருவாக்கியதுடன் தொடர்ந்து நீதிமன்ற வழக்காடலையும் ஏற்படுத்தியது. அதன் விளைவே 1995 டிசம்பர் 15ம் தேதியிட்ட உச்சநீதிமன்றத் தீர்ப்பு

நலச்சங்கம் எதிர் இந்திய அரசு வழக்கு, உச்சநீதிமன்ற பெஞ்ச் 15-12-1995ல் தீர்ப்பு எழுதி வழங்கியது நீதியரசர் வெங்கடசாமி கே.

*வழக்கின் விபரம்: இந்த இரண்டு ரிட் மனுக்களும் இந்திய அரசியலமைப்புச் சட்டத்தின் ஷரத்து 32ன் கீழ் (குடிமகனின் உரிமை நியாயமற்ற முறையில் பறிக்கப்படும்போது உச்சநீதிமன்றத்தில் அதை எதிர்த்து நிவாரணம் பெற தனிநபருக்கு அரசியலமைப்புச் சட்டம் வழங்கிய அடிப்படை உரிமை)யின் கீழ் தொடுக்கப்பட்டனவாகும். வழக்கு விசாரணையின் போது மனுதாரர்களின் சார்பில் வாதுரைத்த அறிவார்ந்த வழக்குரைஞர் காமன் காஸ் வழக்கில் (Common Cause, Registered Society & Ors vs. Union of India, (1987) 1 SCR 497,) கம்யூட்டட் பகுதி பென்ஷன் மீண்டும் மறுமீட்பளிப்பு செய்து வழங்கிய தீர்ப்பின் நிவாரணம், 5-03-1987 தேதியிட்ட DOPPW அலுவலக உத்தரவு 3412 / 86 பத்தி 4 மூலம் பறிக்கப்பட்டு விட்டது. எனவே அந்தப் பத்தியை ரத்து செய்து உத்தரவிட வேண்டி தாக்கல் செய்த ரிட் மனு."

தீர்ப்பு வழங்கிய வழிகாட்டுதலாவது, "மூன்றில் ஒரு பங்கு கம்யூட்டெட் பென்ஷனைத் திரும்ப வழங்குவது குறித்த அளவு, காமன் காஸ் வழக்கில் இந்த நீதிமன்றம் வழங்கிய தீர்ப்பு, மேற்கண்ட காரணங்களால் மனுதாரர்களுக்கும் பொருந்தும். அதனைத் தொடர்ந்து, ஐயப்பாடு வாது (impugned) எழுப்பப்பட்ட 5-03-1987 தேதியிட்ட அலுவலக உத்தரவு பத்தி 4 இதன் மூலம் ரத்து செய்யப்படுகிறது. மேற்குறிப்பிட்ட வகையில் இந்த ரிட்மனு அனுமதிக்கப்படுகிறது. வழக்குக்கான செலவு தொகை எதுவும் இல்லை (No costs)."

இந்த இடத்தில் பிராது, மத்திய அரசு பென்ஷனர்களுக்கான மூன்றில் ஒரு பங்கு கம்யூட்டெட் பென்ஷனை மறுமீட்டளிப்பு செய்து வழங்குவதை அப்சார்ப்டு பென்ஷனர்களுக்கும் நீட்டிப்பது மற்றும் அதே தேதியிலிருந்து அவர்களை அதற்கு உரிமை உடையவர்கள் ஆக்குவது பற்றி தொடரப்பட்டது மட்டுமே ஆகும். (மாறாக, வேறு எந்த வகையிலும்) அப்சார்ப்டு ஊழியர்கள் 'அரசு பென்ஷனர்களாக நீடிக்கவில்லை' என்ற கூற்றின் மீது வழங்கிய தீர்ப்பு இதுவென விவாதிப்பது இங்கு வழக்கன்று.

*விதி 37 –ஏ வின் கீழ் உபவிதிகள்

உபவிதி(4) அரசு ஊழியர்களின் விருப்பத்தேர்வு அரசால் ஒப்புக்கொள்ளப்பட்ட நாள் முதல் பொதுத்துறை நிறுவனங்களில் நிரந்தரமாக அப்சார்ப்டு செய்யப்பட்ட அத்தகைய அரசு ஊழியர்கள் (தொடர்ந்து) அரசு ஊழியர்கள் என்ற அந்தஸ்தை இழப்பார்கள், அவர்கள் அரசு சேவையிலிருந்து பணி ஓய்வு பெற்றவர்களாகக் கருதப்படுவர்.

மேற்கண்ட உபவிதியைத்தான் பொதுச் செயலாளர் எதிர்த்து வழக்காட விரும்புகிறார். என்னுடைய அறிவிற்கு எட்டியவரை (இந்த விருப்பத்திற்கு) உச்சநீதிமன்ற 15-12-1995 தீர்ப்பு (சாதகமான) பொருத்தமுடையது அல்ல.

உபவிதி (ஆ பொதுத்துறை நிறுவனத்தில் அப்சார்ப் செய்யப்பட்ட ஒரு நிரந்தர அரசு ஊழியர் மற்றும் அவரது குடும்பத்தினர் (பென்ஷன் கம்யூடேஷன், கிராஜூட்டி, குடும்ப ஓய்வூதியம் அல்லது அசாதாரண பென்ஷன் உட்பட) ஓய்வூதியப் பலன்களை–அரசு மற்றும் பொதுத்துறையில் அவர் ஆற்றிய இணைந்த சேவைக்கால அடிப்படையிலும் – அவற்றிற்கான அன்றைய நடப்பு கணக்கீடு பார்முலாவின்படி, (அவர் பொதுத்துறையிலிருந்து ஓய்வு பெறும் காலத்தில் அல்லது அவர் இறப்பில் அல்லது அவரது விருப்பப்படி) மத்திய அரசில் சேவையாற்றியதற்கான பலன்களை மத்திய அரசு வெளியிடும் உத்தரவுகளின்படி பெறுவர்.

இந்த இடத்தில் DOT அலுவலக உத்தரவு (OM) தேதி 16-03-2017 பற்றி குறிப்பிட்டு சொல்ல வேண்டும். அந்த உத்தரவு பார்முலாவில் மாற்றம் இல்லை என்று பேசுகிறது.

DOT OM dt 16-3-2017 : (கடிதத்தின்) பொருள் : 7வது மத்திய ஊதியக்குழு பரிந்துரைகள் அமலாக்கம் – விதி 37-ஏ வின் கீழ் BSNL / MTNL அப்சார்ப்டு ஊழியர்களுக்கான பொருத்தப்பாடு – சம்பந்தமாக

இந்த அலுவலக உத்தரவு ஜனவரி 2016 அன்று அல்லது அதன் பிறகு பணிஓய்வு பெற்ற BSNL அப்சார்ப்டு ஊழியர்களுக்கு, DA-வை லிங் செய்யாமல், அதிகபட்ச கிராஜூட்டி தொகையை ரூ20 லட்சமாக மாற்றி அமைத்தது.

உத்தரவின் மூன்றாவது பத்தி கூறுவதாவது:

01-01-2016 முதல் பென்ஷன் / குடும்ப பென்ஷன் பார்முலாவில் எந்த மாற்றமும் இல்லை. எனவே, BSNL / MTNL அப்சார்ப்டு ஊழியர்கள் அதே பார்முலா அடிப்படையில் தொடர்ந்து பென்ஷன் பெறுவார்கள்.

உபவிதி (9) ஒரு ஊழியரின் பென்ஷன் உபவிதி (8)ன்படி, 50 சதவீத (கடைசி மாத) ஊதியம்; அல்லது (இறுதி 10 மாத ஊதியத்தின்) சராசரி ஊதியம் –இவற்றில் எது ஊழியருக்கு அதிக பலனுள்ளதாகுமோ – அதனைக் கணக்கிட்டு வழங்கலாம்.

*2017க்கு பிறகு ஓய்வுபெற்ற பென்ஷனர்களின் ஓய்வூதியம் இந்த உபவிதியின்படியே நிர்ணயிக்கப்படுகிறது. (ஊதியத்தின் அடிப்படையில் ஓய்வூதிய நிர்ணயம் என்பதால்) ஊதிய மாற்றம் இல்லாமல் பென்ஷன் மாற்றியமைத்தல் இந்த உபவிதியின்படி 2017க்கு பிறகு ஓய்வுபெற்ற பென்ஷனர்களுக்குச் சாத்தியமில்லை.

உபவிதி (10): அரசு மற்றும் பொதுத்துறை இணைந்த சேவைக்கான பென்ஷனுக்கு விருப்பம் தெரிவித்த ஊழியர்களுக்கான பென்ஷனோடு அல்லது குடும்ப பென்ஷனோடு அவர்கள் தொழிலக கிராக்கிப்படி (ஐடிஏ) முறையில் விலைவாசி நிவாரணப் படியையும் பெறத் தகுதியுடையவர்கள்.

2017க்கு பிறகு பென்ஷன் மாற்றியமைத்தல் பிரச்சனை:

முன்னாள் பென்ஷனர்களுக்கு 7வது ஊதியக்குழு கோரிக்கை ஏற்கப்பட்டாலும், 01-01-2017 முதல் ஓய்வுபெறும் ஊழியர்கள் அதனைப் பெற முடியாது; காரணம், அவர்கள் அனைவரும் ஊதிய மாற்றக்குழு (பிஆர்சி) அல்லது இருதரப்பு உடன்பாட்டு பரிந்துரைகளின் கீழ் வருபவர்கள் ஆவர்.

இரண்டு வகைப்பாடான பென்ஷனர்கள் இருப்பார்கள்; ஒன்று, 7வது மத்திய ஊதியக்குழுவின் படியான முன்னாள் பென்ஷனர்கள்; இரண்டாவது, ஊதிய மாற்றக்குழு (பிஆர்சி) அல்லது இருதரப்பு உடன்பாட்டின் கீழ் வரும் எதிர்கால பென்ஷனர்கள்.

பென்ஷனர்களில் இப்படி வேறுபட்டு இரண்டு வகைப்பாடானவர்கள் இருப்பது (பென்ஷனை உரிமையாக உச்சநீதிமன்றத்தை அறிவிக்கச் செய்த) நாகரா வழக்கின் ஜீவனுக்கு எதிரானது. (This is against the spirit of Nagara case.)

லட்சத்திற்கும் மேற்பட்ட 2017க்கு பிந்தைய பென்ஷனர்களுக்குப் பொதுச் செயலாளர் அளிக்கும் ஆறுதல் மொழி: ஓர்ஒருக்கால் முந்தைய பென்ஷனர்களுக்கு அரசு ஏதாவது முடிவு எடுக்குமாயின், அதன் பிறகு

2017க்குப் பின் ஓய்வுபெற்ற பென்ஷனர்களின் ஓய்வூதிய மாற்றப் பிரச்சனையை – பென்ஷன் முரண்பாடு (அனாமலி) என்ற பெயரில் -- நாங்கள் (நலச்சங்கம்) நிச்சயம் கையிலெடுத்துத் தீர்க்க முயல்வோம். (நம்பிக்கை நல்லதுதான் ஆனால்) இந்தத் தர்க்க வாதம் எனக்கு மிகவும் அப்பாவித்தனமாகத் தோன்றுகிறது.

*2017க்கு பிந்தைய பென்ஷனர்கள் பற்றி பொதுச் செயலாளர் எழுதுவது:

“அந்தக் கவலையும் அக்கறையும் உண்மையானது. இந்த அம்சம் குறித்து நாங்கள் வழக்கறிஞர்களிடம் விவாதித்தோம். வெவ்வேறு இடங்களில் இருந்த வழக்கறிஞர்கள் மூவருமே வழங்கிய அபிப்பிராயம் / கருத்து ஒன்றாகவே இருந்தது; 2017க்கு முன்பு ஓய்வுபெற்ற பென்ஷனர்கள் ஓய்வூதிய மாற்றத்தைப் பெற்று, (அதே போழ்து) 2017க்கு பின்பு ஓய்வுபெறும் பென்ஷனர்கள் ஓய்வூதிய மாற்றத்தைதையோ அல்லது ஊதியமாற்றத்தையோ பெறாவிட்டால், அப்போது பொதுஒழுங்கிலிருந்து விலகி தாறுமாறான முரண்பாட்டுச் சூழ்நிலை (anomalous situation) ஏற்படும். இத்தகைய (அனாமலி) சூழல் உருவாகும் என்பது முழுமையாக அரசிற்கும், குறிப்பாக DOT and DOPPWக்கு தெரியுமாதலால் அவர்கள் ஒரு தீர்வோடு வருவார்கள் என மூன்று வழக்கறிஞர்களுமே கருத்துரைத்தார்கள். 2017க்கு பிறகு ஓய்வுபெறுபவர்களும் சட்டப்படி அதே பலன்களைப் பெறத் தகுதியானவர்கள், இல்லை எனில் அது ஒரு பாரபட்சத்தை உருவாக்கும்...”

இப்படி 2017க்கு பின்னர் பணிஓய்வுபெறும் பென்ஷனர்களுக்கு ஒரு பாரபட்சம் உருவாகும் என்பதை நன்கு தெரிந்தே நலச்சங்கமும் (வேறு பிற அமைப்புகளும் கூட) (ஊதியமாற்றம் செய்யாவிடிலும் பென்ஷன் மாற்றம் என்ற) கோரிக்கையை முன் வைப்பார்கள் எனின், அமைப்புகள் பாரபட்சத்தின் மீது ஒரு சட்டபூர்வமான அங்கீகார முத்திரையைப் பெற விரும்புகிறார்கள் என்பதே.

*மீண்டும் பிரச்சனை குறித்து (எனது கருத்து):

DOTக்கு DOPPW எழுதிய அலுவலக OM 8-3-2019 தேதியிட்ட கடிதத்தில் குறிப்பாக கீழ்க்கண்ட அவதானிப்பு இடம் பெற்றிருந்தது:

“.....முந்தைய பென்ஷனர்களின் ஓய்வூதியம் மாற்றப்படுமானால், அப்படி மாற்றியமைக்கப்படும் அவர்களது பென்ஷன் தொகை, தற்போது ஊழியர்களாக இருப்பவர்கள் ஓய்வுபெறும்போது நிர்ணயிக்கப்படும் பென்ஷன் தொகையைவிடக் கூடுதலாக இருக்கும்.

இது பொதுவான வரிசைமுறை தவறிய தாறமாறான நிலையை – அதாவது BSNL/ MTNL ல் -- புதிதாக ஓய்வுபெறும் பென்ஷனர்களின் ஓய்வூதியத்தைவிட முந்தைய பென்ஷனர்கள் அதிக பென்ஷன் பெறும் நிலையை ஏற்படுத்தும். எனவே அத்தகைய முரண்பாட்டுப் பிரச்சனையைத் தீர்க்கும் வழிமுறைக்கான திட்ட அறிக்கையைத் தொலைதொடர்பு இலாக்கா வகுப்பதற்கான தேவை உள்ளது."

•மக்களவையில் எழுப்பப்பட்ட கேள்விக்கு அளிக்கப்பட்ட பதில் தேதி 11-03-2020:

"BSNLலில் அப்சார்ப்டு செய்யப்பட்ட ஊழியர்களுக்கான பென்ஷன் மாற்றப் பிரச்சனை என்பது பணியில் இருக்கும் ஊழியர்களுக்கான ஊதிய மாற்றத்தோடு பிணைக்கப்பட்டு இருக்கிறது; காரணம், ஓய்வு பெறும்போது ஊழியராக ஒருவர் வாங்கும் அடிப்படை ஊதியத்தை அடிப்படையாகக் கொண்டே அவரது ஓய்வூதியம் கணக்கிட்டு நிர்ணயிக்கப்படுகிறது. பணியில் இருக்கும் ஊழியர்களுக்கான ஊதியம் மாற்றியமைக்கப்பட்டால், கூறப்பட்ட அந்த அடிப்படை ஊதிய மாற்றத்தின்படியே பென்ஷனும் மாற்றப்படலாம்."

இந்தப் பதிலிலிருந்து தெளிவாவது யாதெனில், ஊதியமாற்றம் இல்லாமல் பென்ஷன் மாற்றத்தை மட்டும் செய்து ஒரு முரண்பாடான (அனாமலி) சூழ்நிலையை உருவாக்க DOT தயாரில்லை. இன்றைய நிலையில் லட்சத்திற்கும் மேற்பட்ட 2017க்குப் பிந்தைய பென்ஷனர்களுக்கு முரண்பாடான (அனாமலி) நிலையை உருவாக்க ஓய்வூதிய நலச்சங்க அமைப்பு விரும்புவதாகத் தோன்றுகிறது. எதிர்காலத்தில் இந்த எண்ணிக்கை பிரதி மாதமும் ஓய்வு பெறுபவர்களால் அடுத்தடுத்து 2026 ஆண்டு வரை மற்றும் அதற்குப் பிறகும் அதிகரிக்கும்.

. வரையறுக்கப்பட்ட எனது அறிவுக்கு எட்டிய வரை, DOPPW எழுதிய அலுவலக OM 8-3-2019 தேதியிட்ட கடிதத்தில் சுட்டிக் காட்டியுள்ள முரண்பாடு தீர்க்கப்பட முடியாது; முரண்பாட்டைத் தீர்க்க வேண்டுமானால், ஏதோ ஒரு தீர்ப்பின் அடிப்படையிலோ, அன்றி வற்புறுத்தியோ (கோரிக்கை) ஒப்புக்கொள்ள வைக்கப்பட்டு 01-01-2017 முதல் ஓய்வு பெற்ற முந்தைய பென்ஷனர்களுக்கு ஓய்வூதிய மாற்றம் செய்யப்படும் அதே பார்முலா அடிப்படையில் சேவையில் இருக்கும் ஊழியர்களுக்கும் ஒரே நேரத்தில் ஊதியமாற்றத்தை அமல்படுத்தினால் மட்டுமே சாத்தியம். சாராம்சத்தில், (ஊதிய மாற்றத்தோடு ஓய்வூதியமாற்றத்தை லிங் செய்து பிணைக்காதீர்கள் என்பது) தலைகீழாகி லிங் செய்து பிணைப்பது தவிர வேறில்லை.

(அதாவது முதலில் ஓய்வூதிய மாற்றத்தைக் கொண்டு வந்து –2017க்கு பிந்தைய பென்ஷனர்களின் அனாமலியைத் தீர்ப்பதற்காக—ஊதிய மாற்றத்தைக் கோரிக்கையாக முன் வைப்பது. எதை எதனுடன் லிங் செய்கிறோம் என்பதுதானே தவிர இதில் டி-லிங்கிங் என்னவானது?) எனவே எதிர்கால BSNL ஐடிஏ பென்ஷனர்கள் இருக்கும்வரை, டி-லிங் (பிணைப்பைத் துண்டிப்பது) என்ற கேள்விக்கே சாத்தியமில்லை.

பதிவிட்ட நாள் : 20-03-2020

--தமிழாக்கம் : நீலகண்டன்,

என்எப்டிஇ, கடலூர்

பின் இணைப்பு 1:

*முகநூல் பதிவின் பின்னூட்டமாகத் தோழர் பட்டாபி எழுதியது:

ஆகக் கூடுதலான ஜனரஞ்சகமற்ற பொருள் பற்றி நான் பேசுகிறேன் என்பது தெரிந்தாலும், அது உண்மையாக இருக்கிறதே. BSNL ஐடிஏ பென்ஷனர்களுக்கும் மத்திய அரசு ஊழியர்களுக்குமிடையே புதிதான எந்த முரண்பாடும் 7 வது ஊதியக் குழுவால் உண்டாக்கப்பட்டுவிடவில்லை. அக்டோபர் 2000ல் BSNL அமைக்கப்பட்டபோது, பொதுத்துறை நிறுவனத்தில் அப்சார்ப் செய்யப்பட புதிய நிபந்தனை ஷரத்துகளை அரசு புகுத்தியதால் ஏற்படுத்தப்பட்டதே (அடிப்படை) முரண்பாடு. அன்றைய தேதியில் அப்சார்ப்டு ஊழியர்களுக்கும் பென்ஷனர்களுக்கும் அந்த முரண்பாடு கூடுதல் பயன் தருவதாய் இருந்தது.

மத்திய அரசு பென்ஷனர்கள் சிசிஎஸ் பென்ஷன் விதிகள் 1972ன் கீழ் வந்தாலும், அவர்களுக்கு விதி 37-ஏ –ஐடிஏவின் படி அவர்களது பென்ஷனைப் பெறத் தகுதி இல்லை.

BSNL ஐடிஏ பென்ஷனர்கள் போல சிலர் சிசிஎஸ் பென்ஷன் விதிகள் 1972ன் கீழ் வந்தாலும், எல்லோரும் சமமில்லை. ஆனால் மத்திய அரசு பென்ஷனர்கள் ஒரு வகை பிரிவு – எனவே அவர்களுக்குள் எந்த முரண்பாடும் இல்லை; அதே போல, BSNL ஐடிஏ பென்ஷனர்கள் வேறொரு வகைபிரிவு.

மத்திய அரசு பென்ஷனர்களாகிய ஒரு வகை பிரிவினருக்குள் முரண்பாடு இல்லாதுபோல, மற்றொரு பிரிவான BSNL ஐடிஏ பென்ஷனர்களுக்குள்ளும் “*2017க்கு முன்பு ஓய்வுபெற்றவர்கள், 2017க்குப் பிறகு ஓய்வுபெற்றவர்கள்” என இரண்டாக முரண்படக்

கூடாது. எனவே, BSNL ஐடிஏ பென்ஷனர்களுக்குள் முரண்பாட்டை உண்டாக்கும் வகையில் நாம் கோரிக்கையை முன் வைக்கக் கூடாது.

march 8 2020

BSNL IDA Pensioners' Issue

I happened to read two different statements/ reportings regarding the issue of Pension Revision for BSNL IDA Pensioners. One was written by Com K Muthiyalu DGS of the pensioners association addressed to comrades in general in 4 pages and the other one is a reporting with the caption 'Legal Remedy: The Last Resort published in the Pensioners's Patrika March -April 2020' in the pages from 11 to 20.

I don't want to go here at present the merit of the Contents of the reporting (both) as I have already stated my position 'on the Issue of Pension Revision' as an ordinary BSNL IDA Pensioner and well wisher of both the Employees and Pensioners. This is to request the fair minded leaders to consider publishing Muthiyalu's contents also in the Pensioner's Patrika, as he is also a member of the Editiorial Board. When some fundamental difference is found amongst the top policy makers, it is better to circulate the different opinions officially, ofcourse with relevant comments/ clarifications by GS or by designated other Office bearers to clear the doubt rises when reading different opinions and clarifying why that opinion is not acceptable to the CWC/ Secretariat etc .

When some comrades asked about the cases quoted in support of delinking, specially about National Airport Authority Iqbal Singh Vedi case, I clarified them with my limited knowledge that the 6 issues raised in that case were nothing to do with delinking issue.

I am not doubting the merits and wisdom of the leaders reporting in the March- April Patrika- they are all sincere and dedicated to the cause. But the wisdom of com Muthiyalu who has also been dedicating his life for the cause of Employees and Pensioners need also to be pursued with the interest of the Organisation- whose concern it seems that organisation should not be shelved in the Court case box- in the box of 'matter Sub judice' . It is naive to expect even the favourable climate CAT with all its merciful approach on seeing 75 years pensioners give favourable delinking judgment within 18- 24 months as reported, Govt will keep calm and implement dutifully without any appeal against. I should not elaborate as I committed in the earlier para that I should not go to the merits of the contents.

The request here is kindly circulate if the Constitution of the Organisation permits you the authorities in positions plurality of views and decisions as per consensus.

oct 2020

2000 ல் திருத்தப்பட்ட மத்திய சிவில் சேவை (CCS) பென்ஷன் விதிகள் 37 –A வின்படி BSNL-ல் இணைந்த ஊழியர்கள், DOTயிலிருந்து ஓய்வு பெற்றதாகக் கருதப்பட்டு அரசு ஓய்வூதியத்தைத் தொடர்ந்து பெற்று வருகிறார்கள். BSNL-ல் இணைந்த ஊழியர்கள் IDA ஊதியவிகிதம் பெற்று DOT – BSNL இரண்டிலும் ஆற்றிய சேவையையும் ஒன்றாகக் கணக்கிட்டு ஓய்வூதியம் நிர்ணயம் செய்ய விதி 37-ஏ அனுமதிக்கிறது. BSNL-ல் இணைந்த ஊழியர்கள் ஓய்வு பெற்றபின், தங்கள் ஓய்வூதியத்தில் கிராக்கிப்படியை IDA விகிதத்தில் பெறுகிறார்கள்.

விதி 37-ஏ துணைவிதி 8-ல் எதிர்காலத்தில் BSNL-ல் ஓய்வுபெற இருப்பவர்களுக்கும் அப்போதைய மத்தியஅரசு ஊழியர்கள் பார்முலா அடிப்படையில் ஓய்வூதியம் நிர்ணயம் செய்யப்பட உறுதி அளிக்கப்பட்டுள்ளது. நமது போராட்டம் காரணமாகத் திருத்தப்பட்ட விதி 37-A வில் துணைவிதி 21 ன் மிக வித்தியாசமான சிறப்புத் தன்மை BSNL ஓய்வூதியர்களுக்கு இந்திய அரசாங்கமே ஓய்வூதியத்தை வழங்கும் என உறுதி செய்யப்பட்டிருப்பதுதான். இந்தச் சிறப்பு அம்சம் பல ஆண்டுகள் போராட்டத்திற்குப் பிறகே 2014-ல் MTNL ஊழியர்களுக்கும், ஓய்வூதியர்களுக்கும் நீட்டிக்கப்பட்டது.

BSNL-ல் இணைந்த ஊழியர்கள் இடைப்பட்ட இந்தக் காலத்தில் மூன்று முறை ஊதிய மாற்றம் கண்டிருக்கிறோம். அக்டோபர் 2000 -ல் CDA லிருந்து IDA விற்கு; ஜனவரி 2007ல் IDA ஊதிய மாற்றம்; பின்னர் 10-06-2013ல் 78.2 வாக திருத்தி அமைக்கப்பட்ட மாற்றம். BSNL-ல் இணைந்த ஊழியர்கள் (5வது ஊதியக்குழுவிலிருந்து வெளியேறி 1-10-2000 முதல் First PRC IDA வில் நுழைதல்) அக்டோபர் 2000ல் IDA ஊதிய விகிதத்தில் பொருத்தப்பட்டபோது அதற்கு முதல்நாள் 30-09-2000வரை CDA விகிதத்தில் DOT லிருந்து ஓய்வுபெற்ற ஊழியர்களுக்கு ஓய்வூதியமாற்றம் தேவைப்படவில்லை - தரப்படவும் இல்லை. இங்கு நாகரா தீர்ப்பின் சாரம் பொருத்தமானதாக கருதப்படவும் இல்லை. எவரும் கோரிக்கை எழுப்பவும் இல்லை.

அடுத்த இரண்டு IDA ஊதிய மாற்றத்தின்போதும் ஓய்வூதியர்களுக்கும் ஓய்வூதிய மாற்றம் அவசியமாகி விட்டது. ஏன் என்றால் அவர்கள் ஒரேவகைப்பட்ட IDA பென்ஷனர்கள் என்கிற கிளாஸ் ஆகிவிடுகின்றனர். (1-10-2000 உள்நுழைந்த ஊழியர்கள் அனைவரும் ஓய்வு பெறும்போது IDA Pensioners என்கிற ஒரே Class

ஆக்கப்படுகின்றனர். இவர்களை cutoff Date வகைப்பட்டு discriminate செய்யமுடியாது என்பதால் தான் தொடர்ந்த 2007 மற்றும் 78.2 ஊழியர்கள் பெற்றபோது காலதாமதம் ஆனாலும் Past Pensioners that is Existing Pensioners on that date ஓய்வூதிய மாற்றப் பலனைப் பெற்றனர்.)

இங்கு நாகரா தீர்ப்பின் சாரம் பொருந்த வேண்டிய அவசியம் ஏற்பட்டது. 2007-க்கு முன் இருந்த ஊழியர்கள் மற்றும் 10-06-2013க்கு முன் இருந்த ஊழியர்கள் என அந்த இரண்டு சந்தர்ப்பங்களிலும், ஊழியர் சங்கங்கள் மற்றும் ஓய்வூதியர்களின் அமைப்புகளின் தொடர் போராட்டங்களினால், ஓய்வூதிய மாற்றம் சாத்தியமாயிற்று.

இந்த ஓய்வூதிய மாற்றங்களும் அமைச்சரவை ஒப்புதலுக்குப் பிறகே அமுலாகியது. அதன்படியே DOT-யும் ஓய்வூதிய மாற்றத்திற்கான இரண்டு உத்தரவுகளை வெளியிட்டது. 2007-க்கு முன்னர் ஓய்வுபெற்றவர்களுக்காக மார்ச் 2011-லும், 78.2 மாற்றத்திற்காக ஜூலை 2016-லும் உத்தரவுகள் வெளியிடப்பட்டன.

ஓய்வூதிய மாற்றத்திற்காக அமைச்சரவைக் குறிப்புத் தயாரிக்கப்பட்டது. ஓய்வு பெற்ற ஊழியர்களின் ஓய்வூதிய மாற்றம் என்பது பணியில் இருக்கும் ஊழியர்களின் ஊதிய மாற்றத்துடன் இணைந்தே இருக்கிறது என DOT தெரிவித்தது. பென்ஷன் மாற்றம் என்பதை DOT தனது காபினட் மெமோவில் கீழ்கண்ட அம்சங்களைச் சுட்டிக்காட்டி நியாயப்படுத்தியது.

1. ஊதிய மாற்றம் அதனைத் தொடர்ந்து நாகரா தீர்ப்பின் சாரம்

2. ஊதிய மாற்றம் வந்ததால் பென்ஷன் மாற்றம் தருவதில் சட்டப்படியான அல்லது அரசியலமைப்புச் சட்டத்திற்கு எதிராக (legal or constitutional objection) ஏதுமில்லை எனச் சட்ட அமைச்சகம் தரும் ஒப்புதல்

3. DOPPW ஆறாவது ஊதியக்குழுவின் பென்ஷன் ஷரத்துக்கள் சிலவற்றைச் சேர்த்துக் கொள்ள வழிகாட்டல். DPE-யே அரசாங்கப் பென்ஷன் வந்தவுடன் வழிகாட்டல் தரலாமே என்கிற ஆலோசனை

4. ஒரு ஊழியர் ஓய்வு பெறும் நாளில் பெறுகின்ற ஊதியம்; மற்றும் எதிர்காலத்தில் இவரது அந்தஸ்தில் பணிபுரியும் ஒரு ஊழியர் அவர் ஓய்வு பெறும் நாளில் பெறக்கூடிய ஊதியம் -- இவற்றோடு இணைக்கப்பட்டிருக்கிறது பென்ஷன் (Pension is linked to pay drawn at the time of retirement as well as pay drawn by employee of similar status in future after retirement)

5. ஓய்வுபெற்ற ஊழியரின் ஓய்வூதிய மாற்றம் என்பது தற்போது பணியில் இருக்கும் ஊழியர்களின் ஊதிய மாற்றத்தோடு இணைக்கப்பட்டிருக்கிறது (Pension revision of retired employee is linked to pay revision of existing employees).

6. If the annual pension liability exceeds the fig of 60 % receipts of retired employee is linked to pay revision of exiting employees.

2009-10ல் அரசாங்கம் பெற்ற டிவிடெண்ட், கார்ப்பரேட்வரி, கலால் வரி ஆகியவை 7425 கோடி. இதில் 60 சதம் 4555 கோடி எனில் பென்ஷன் செலவு 2877 கோடிதான் என்றது DOT.

78.2 ஓய்வூதிய மாற்றத்தைப் பொருத்தவரை 10-06-2013க்கு முன்பும் பின்பும் ஓய்வு பெற்ற BSNL ஊழியர்களிடையே ஓய்வூதிய நிர்ணய பார்முலாவில் இருந்த வித்தியாசம் காரணமாக ஏற்பட்ட முரண்பாடு/பாரபட்ச சூழ்நிலையால் ஓய்வூதியம் மாற்ற முடிவு எடுக்க வேண்டியதாயிற்று என அரசின் பத்திரிக்கைக் குறிப்பு விளக்கியது (இந்திய பிரஸ் பிரோ PIB செய்திக் குறிப்பு தேதி 5-7-16)

மத்திய ஊதியக்குழுக்களின் முடிவுகள் நமக்கு முழுமையாகப் பொருந்துமா என்ற கேள்விக்கு விளக்கம் தேவைப்படுகிறது. 6வது மற்றும் 7வது மத்திய ஊதியக்குழுக்களுக்கு முன்பும் பின்புமான ஓய்வூதியதாரர்களுக்குத் தனித்தனியான நிர்வாக உத்தரவுகளை மத்திய ஓய்வூதியம் மற்றும் ஓய்வூதியர் நலத்துறை (DOPPW) வெளியிட்டுள்ளது. DOT–ம் அந்த உத்தரவுகளைப் பின்பற்றி 2006-க்கு பின்பும், 2016-க்கு பின்புமான ஓய்வூதியதாரர்களுக்குப் பணிக்கொடை (DCRG) போன்ற சில அம்சங்களில் அப்படியே பொருந்தும் என நேரடியாக ஒப்புதல் அளித்து உத்தரவு வெளியிட்டது.

6வது ஊதியக்குழுவினுடைய முதியோர்களுக்கான உயர்விகித ஓய்வூதியம், குறைந்தபட்ச / உச்சபட்ச ஓய்வூதியம் பற்றிய முடிவுகள் முந்தைய ஓய்வூதியதாரர்களுக்கும் பொருந்தும் என்ற ஓய்வூதியத்துறை உத்தரவுகள் அமைச்சரவை ஒப்புதலுக்குப் பிறகே நமக்கான மார்ச் 2011 உத்தரவில் இடம் பெற்றன. மத்திய ஓய்வூதியம் மற்றும் ஓய்வூதியர் நலத்துறை டெஸ்க் D 27-03-2009 உத்தரவு 2006-க்குப் பிந்தைய ஓய்வூதிதாரர்களுக்குப் பொருந்தும் என்பதற்காக வெளியிடப்பட்டது. 2006-க்கு முந்தையவர்களுக்கான பிரச்சனை எழவில்லை என்பதையும் சுட்டிக்காட்டியது.

7வது ஊதியக்குழு முடிவுகள் நமக்குப் பொருந்துமா என்பது பற்றி DOT யின்16-03-2017 தேதியிட்ட நிர்வாக உத்தரவு சில தந்திரங்களைச்

செய்துள்ளது. 2016-க்கு பிந்தைய ஊழியர்களுக்கு வழங்கப்பட்ட ஓய்வூதிய நலத்துறை உத்தரவு 6.1 பத்தியின் படியான பணிக்கொடை இருபது லட்சம் பொருந்தும் என அந்த உத்தரவில் கூறியுள்ளது. ஆனால் பத்தி 6.2 ல் விலைவாசி கிராக்கிப்படியோடு இணைத்துப் பணிக்கொடை உச்சவரம்பு என்பதை நமக்குப் பொருந்தும் என உத்தரவிடவில்லை. 2007 IDA மற்றும் 2017 IDA வில் இருந்த குழப்பம் காரணமாக அதனைத் தவிர்த்துவிட்டது.

DOT யின் உத்தரவில் இன்னொரு தேவையில்லாத பத்தியும் உண்டு. 01-01-16 தேதியிலிருந்து ஓய்வூதிய பார்முலாவில் மாற்றம் ஏதும் இல்லை. BSNL மற்றும் MTNL-ல் இணைந்த ஊழியர்கள் தொடர்ந்து பழைய பார்முலாபடியே மாற்றமின்றி ஓய்வூதியம் பெறுவர் எனக் கூறியுள்ளது. அதாவது இந்தப் பத்தி BSNL-ல் ஜனவரி 2016-க்குப் பிறகு ஓய்வுபெறும் ஊழியர்கள் குறைந்தபட்ச மற்றும் அதிகபட்ச ஓய்வூதியம் பெறுவதை உறுதி செய்யும் விதி 37- A துணைவிதி 8-க்கு எதிரானது.

ஜனவரி 2016 முதல் அல்லது அதன்பிறகு ஓய்வுபெறும் BSNL ஓய்வூதியர்களுக்கு 20 லட்சம் பணிக்கொடை உச்சவரம்பு உத்தரவு பொருந்துவது போல, ஓய்வூதியப் பலன்களில் ஒன்றான குறைந்தபட்ச ஓய்வூதியம் உயர்த்தி மாற்றி அமைக்கப்பட்டதும் பொருந்த வேண்டும். இந்த ஒரு அம்சம் ஒப்புக்கொள்ளப்பட்டால் NE 6 வரை உள்ள ஊழியர்களின் குறைந்தபட்ச ஓய்வூதியம் ரூ9000 ஆக கூடுதலாகப் பெற வாய்ப்பு ஏற்படும். ஆனால் துரதிருஷ்டவசமாக DOT–ன் 2017 மார்ச் 16 உத்தரவில் குறைந்தபட்ச / அதிகபட்ச ஓய்வூதியம் பற்றிய DOPPW உத்தரவு நமக்குப் பொருந்தும் எனக் கூறவில்லை. (இதற்கான காரணம் ரூ 9000 என மாற்றினால் என்ன IDA 2nd PRC or 3 rd PRC படியா என்கிற பிரச்னை உருவாகிறது)

7th CPC-யைப் பொறுத்தவரை கிராஜுடி போன்றவை applicability என்பதில் வருகின்றன. அதிலேயே கூட Index linked என்பது பொருத்தப்படவில்லை. மினிமம் - மாக்சிமம் பென்ஷன், Index linked போன்றவை incorporate (முதன்மை உத்தரவோடு இணைத்து ஐக்கியப்படுத்தல்) செய்யப்பட வேண்டியவையாக இருக்கின்றன. 6th CPC அடுத்தும் நேரிடையாக applicability (to the future pensioners), ஊதிய மாற்றத்திற்குப் பின்னர் பென்ஷன் மாற்றத்தில் சில முக்கிய அம்சங்களில் incorporation நடந்தேறின. 6வது ஊதியக்குழு ஷரத்துக்கள் applicability எனும்போது 1-1-2006 முதல் என்றும் incorporate ஆகும்போது 1-1-2007 எனவும் எடுத்துக் கொள்ளப்பட்டன.

இப்போதும் அதே பிரச்சனையை நாம் எதிர்கொள்கிறோம். நமது NE-6 வரை உள்ள அடிப்படை ஊழியர்கள் மினிமம் பென்ஷன் ரூ 9000-க்கும் குறைந்து வாங்கிக் கொண்டிருப்பதை நம்மால் மாற்ற முடியவில்லை. ரூ9000 applicability (பொருந்தும்) எனச் சொல்லிவிட்டால் 1-1-2016 முதல் அவர்களுக்கு அதை உயர்த்தவேண்டும். ஆனால் 2007 IDA இருப்பதால் அதை அவர்கள் செய்ய மறுக்கின்றனர். ஊதிய மாற்றம் -பென்ஷன் மாற்றம் செய்யப்படும்போதுதான் இதை அவர்கள் 1-1-2017 முதல் மாற்றச் சம்மதிப்பர். அதே போல் 20 லட்சம் கிராஜுடியை நாம் 1-1-16 முதல் பெற்றாலும் அதற்கான index linked Enhancement to 25 %க்காகக் காத்து நிற்க வேண்டியுள்ளது.

விதி 37-A -ல் ஓய்வூதியம் மாற்றியமைத்தல் என்பதற்கு வழிவகை எதுவும் சொல்லப்படவில்லை. இதற்கு முந்தைய ஓய்வூதிய மாற்றங்கள் அதிகாரிகளின் ஊதிய மாற்றத்தைச் சார்ந்து பரிசீலிக்கப்பட்டன. IDA ஓய்வூதியத்தை மாற்றியமைப்பது பற்றிய பொதுவான வழிகாட்டுநெறிகள் ஏதும் இல்லை என்பதை DOT-யின் அமைச்சரவைக் குறிப்பு வெளிப்படுத்துகிறது.

i) ஊதிய மாற்றத்திற்குப் பிறகு ஓய்வூதிய மாற்றம் Ii) ஊதியமாற்றத்திற்கு முன்பே ஓய்வூதிய மாற்றம் iii) ஊதிய மாற்றம் இல்லாமலேயே ஓய்வூதிய மாற்றம் என எவ்வாறு சிந்தித்தாலும் அவை நிச்சயம் ஒன்றுக்கொன்று பரஸ்பர தாக்கத்தைக் கொண்டவையே ஆகும்.

பென்ஷன் மாற்றம், ஊதியமாற்றமின்றி

(Delinking Pension from pay Revision)

பொதுத்துறைகளில் – BSNL-ல் -- ஊதியமாற்றம் என்பது இலாபப் பிரச்சனையுடன் கட்டிப் போடப்படுகிறது. ஆனால் பென்ஷனர்களுக்கு அரசாங்கமே பென்ஷன் தரவேண்டும் என்கிற பொறுப்பு இருப்பதால் 7வது ஊதியமாற்றம்- பென்ஷன் மாற்றம் வந்த நிலையில் BSNL ஓய்வூதியர்களுக்கும் பென்ஷன் திருத்தம் என்கிற கோரிக்கை வலுப்பெறத் துவங்கியது. பொதுவாக அனைத்து பென்ஷன் சங்கங்களும் இக்கோரிக்கையின்பாற் இணைந்துள்ளன. போராடியும் வருகின்றன. தொழிற்சங்கங்கள் இக்கோரிக்கைக்காக வேலைநிறுத்தமே செய்துள்ளனர். அமைச்சர் மற்றும் DOT செயலர் இதைப் பாசிட்டிவ் ஆக பரிசீலிப்பதாகவும் செய்திகள் வந்தன. இது தொடர்பாக DOT -- DOPPW கடிதப் பரிமாற்றங்களும் நடந்துள்ளதாக அறியமுடிகிறது.

பென்ஷன் மாற்றம், அதை ஊதிய மாற்றத்துடன் இணைக்க வேண்டியதில்லை எனும்போது இதுவரை காப்பற்றப்பட்ட எதிர்காலத்தில் ஓய்வுபெற உள்ள ஓய்வூதியர்கள் மற்றும் இன்றைய நாள் ஓய்வூதியர்களுக்குமிடையே உள்ள தொடர்பு ('Future pensioners-Existing Pensioners Link') என்பது உடைக்கப்படும் நிலையை உருவாக்கும் கோரிக்கையாக அது மாறுகிறது.

2017 துவங்கி ஓய்வுபெறுபவர்களின் நிலை என்ன என்ற கேள்வி வரும்போது, மீண்டும் பென்ஷன் மாற்றம் பெற்றவர் என்ன பலனைப் பெறுகிறாரோ அதை நோஷனல் ஆகக் கொடுத்து லிங்க் கொடுக்கலாம் எனத் தீர்வை அமைப்புகளின் தலைவர்கள் முன்வைக்கின்றனர். எனவே delink (தொடர்பு அறுத்தல்) என்பது (பின்னொரு காலத்தில் தொடர்புபடுத்தப்படப் போவதால்) எவ்வகையிலும் சாத்தியமற்ற ஒன்றாக ஆகிவிடுகிறது.

ஊதிய மாற்றம் என்பதற்கு உத்தரவு வரும்போது மூன்று வகை நிலைகளில் அதன் பலனைப் பெறவேண்டியவர் இருக்கின்றனர். உத்தரவு வரும் நாளில் ஊழியராக இருப்பவர், பின்தேதியிட்டு (retrospective ஆக) 1-1-17 முதல் ஊதிய மாற்றம் பெறுவார். அவர் ஓய்வுபெறும்போது பெற்ற புதிய ஊதிய நிலையில் தனது பென்ஷன் நிர்ணயத்தைப் பெறுவார்.

அடுத்த வகை பயனாளி என்பவர் உத்தரவு வரும் நாளில் ஓய்வூதியராக இருப்பார். ஆனால் 1-1-17 அன்று அவர் ஊழியராக இருந்து ஊதிய உத்தரவு வருவதற்கு முன்னர் ஓய்வுபெற்று, பென்ஷன் பெற்றுக்கொண்டிருக்கும் பென்ஷனர்.

இந்த இரண்டாவது வகைப் பயனாளி மூன்றாவதாகப் பயனாளியாகப் போகும் 1-1-17க்கு முன்பான Existing Pensioners க்கு Future Pensioner ஆக இருப்பவர். இந்த இரண்டாவது வகைப்பட்ட பயனாளி ஊதிய மாற்றத்திற்குத் தகுதி பெற்ற பென்ஷனர். மூன்றாவது பயனாளி, ஊதிய மாற்றம் நேரிடையாகப் பெறமுடியாத பென்ஷனர் (ஏனெனில், ஊதிய மாற்ற உத்தரவு வரும் நாளிலேயோ அல்லது ஊதிய மாற்றம் அமலாகும் தேதியிலேயோ அவர் ஊழியராக இல்லை). இரண்டாமவர் பென்ஷன் மாற்றத்தையும் ஊதிய மாற்றத்தால் பெறுவதால், மூன்றாமவராக இருக்கும் முந்திய பென்ஷனர்களின் parity (ஒத்த சமத்தன்மை) நிலை பாதிக்கப்படுகிறது. இதைச் சரி செய்திட -- parity (சமத்தன்மை) கொணர்ந்திட -- 31-12-2016வரை ஓய்வு பெற்றவர்க்கும் பென்ஷன் ரிவிஷன் தேவைப்படுகிறது. இப்படித்தான் மத்திய அரசு பென்ஷன்தாரர்களுக்கு ஊதியக்குழு அமைந்தபின் ஓய்வூதிய

மாற்றமும் சேர்ந்தே செய்யப்படுகிறது. BSNL-லிலும் 2007 மற்றும் 78.2 ஓய்வுதிய மாற்றம் இவ்வாறே நடந்து முடிந்தது.

இப்போது Delinking என்பதன் மூலம் தலைகீழாக இதை மாற்ற நாம் முயற்சித்து வருகிறோம். முதலில் பென்ஷன் ரிவிஷன் என்கிறோம். அதுவரை இணைக்கமாகச் செல்ல முடிந்த நாம், பலன்கள் என வரும்போது 7வது ஊதியக்குழு- 3rd PRC என வேறுபடத் துவங்குகிறோம். 2017 முதல் ஓய்வு பெறுகிறவர்க்கு ஏற்படும் அனாமலியை நோஷனல் ஆகப் போக்கிக் கொள்ள முடியும் என்றும் சொல்கிறோம்.

ஓய்வூதியம் என்பது 37--A விதிப்படி என்ன ஊதியநிலையோ அதிலிருந்து நிர்ணயிக்கப்படுகிறது. ஊதிய மாற்றத்திற்கு உத்தரவு என ஏதும் இல்லாத நிலையில், அவரின் ஊதியத்தை யார் நிர்ணயிப்பார்கள்? அவர் ஓய்வு பெற்றபின் அவர் ஓய்வூதிய மாற்றம் என்பதற்கு என்ன விதி இருக்கிறது? ஊதிய மாற்றம் வேறு பிட்மெண்டில் நடந்தால் அவருக்குத் திரும்ப ஊதிய உயர்வை எதன் அடிப்படையில் தரமுடியும்? உடன்பாட்டை மீறி புதிய ஊதியத்தை எவ்வாறு நிர்னயிக்கமுடியும்? அவர் ஓய்வு பெற்றபின் அவரின் ஓய்வூதியம் திருத்தப்பட விதியோ உத்தரவோ யார் தருவார்கள்?

முதலில் என்னுடைய ஓய்வூதிய மாற்றத்தைச் செய்து முடி, பின்னர் புதிய மற்றும் எதிர்கால ஓய்வூதியர்களுடைய ஒத்த ஓய்வூதிய சமநிலை பேணுவதைப் பார்த்துக் கொள்ளலாம் என்பதன் பொருள், ஒரு வகையில், ஊதிய மாற்றப் பிரச்சனையை நாம் கைவிடுகிறோம் என்பதுதான். ஒரே IDA ஓய்வூதியம் பெறும் வகுப்பினரிடையே – பழைய பென்ஷனர்கள், புதிய பென்ஷனர்கள் என்ற – இரண்டு மாறுபட்ட ஓய்வூதிய மாற்றம் பற்றிய கணக்கீட்டு முறைகள் இருக்க முடியாது. (Revise pension first for me and keep parity for the fresh and future pensioner means in a way we are giving up the issue of Pay Revision. There cannot be two methods of calculating pension revision for the two categories of pensioners the old and the fresh one belonging to a same IDA pensioner class.)

ஓய்வூதியம் என்பது உரிமையாக இருக்கலாம். ஆனால் ஓய்வூதிய மாற்றம் என்பதை, எதிர்கால ஒத்த பணியாளர் ஊதிய மாற்றம் / பென்ஷன் மாற்றம் என்பதாக (பிணைந்து) இருக்கும்போது லீகல் உரிமையாக –சட்டபூர்வமான உரிமையாக-- மாறுவதைத்தான் நமது அனுபவங்கள் எடுத்துரைக்கின்றன. ஆகவே இக்கோரிக்கையில் மிக அதிக கவனம் தேவைப்படுகிறது என்பதை மட்டுமே நாம் சொல்ல விழைகிறோம்.

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nov 7 2020

BSNL IDA Pensioners

I happened to see an article in the pensioners' Patrika issue may-dec 2020 and the caption is 'Pension Revision Legal remedy sought'. In that the author mentioned sub rule 8 of 37 A under the subheading Facts and grounds.

Earlier I made my observation in general about certain claims on seeing the affidavit. Here I just place my understanding about sub rule 8 as it is often used for the claim of retired BSNL IDA pensioners for pension revision.

- It is a rule not specific to BSNL alone

- It is for the absorbed employees making him eligible for -pensionary benefits at the time of retirement-and

-This pensionary benefits shall be calculated in the same way as calculated in the case of a Central Government servant retiring or dying, on the same day

-The rule is not for any Existing BSNL IDA pensioner (that is those once as absorbed employee and got their pension calculated and fixed as per rule 8)

-This rule is not mentioning about the Existing CG pensioner for any same way calculation, only mentions CG servant retiring on that day

For the benefit of readers the rule is given below

37A. Conditions for payment of pension on absorption consequent upon conversion of a Government Department into a Public Sector Undertaking

(😇 A permanent Government servant who has been absorbed as an employee of a Public Sector Undertaking and his family shall be eligible for pensionary benefits (including commutation of pension, gratuity, family pension or extra-ordinary pension), on the basis of combined service rendered by the employee in the government and in the Public Sector Undertaking in accordance with the formula for calculation of such pensionary benefits as may be in force at the time of his retirement from the Public Sector Undertaking or his death or at his option, to receive benefits for the service rendered under the Central Government in accordance with the orders issued by the Central Government.

"Explanation:- The amount of pension or family pension in respect of the absorbed employee on retirement from the Public Sector Undertaking or on death shall be calculated in the same way as calculated in the case of a Central Government servant retiring or dying, on the same day"

sep 3 2021

I happened to see two web placings of BSNL Unions one on behalf of AUAB having charter of 10 demands with a call of 3 days Dharna.

The 7th demand is Immediate settlement of 3rd Pay revision, Pension Revision and enhancement of SAB up to 30 % for DR Employees.

The second placing is demands by 3 organisations namely BSNLEU, AIBDPA and BSNLCCWF with the call of demonstrations and March to Offices.

The 3rd demand is : 3rd Wage Revision

4th Demand is : Pension Revision with 15 % fitment, by delinking from wage Revision.

5th is : 30 % SAB to DR Employees.

In the 3rd demand for wage revision no fitment rate is demanded (may be due to the earlier understanding of 5 % as placed earlier in the website of BSNLEU). But for 4th demand of Pension revision delinking from wage revision 15 % fitment is demanded.

Normally Trade unions fight against any sort of discrimination. But delinking pension revision from the pay revision is a demand having a content of discrimination between pre 2017 and post 2017 pensioners. Let us hope things will be understood properly

I wish the organisations every success for settling the demands

2022

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feb 15 2022

பென்ஷன் மாற்றம் என் புரிதலை மேம்படுத்திக்கொள்ள...

மத்திய அரசு பென்ஷனர்களுக்கு 2016 வரை பென்ஷன் மாற்றம் ஊதிய மாற்றம் CPCஆல் செய்யப்படும்போதே வந்துள்ளது. அங்கு ஊதிய மாற்றம் பென்ஷன் மாற்றம் delinking என்ற பேச்சிற்கே இடமில்லை.

சரி. BSNLலிலும் DOT யிலிருந்து வந்த முன்னாள் அரசாங்க ஊழியர்கள் பொதுத்துறையில் ஓய்வுபெறும்போது அவர்களுடைய பென்ஷன் ரிவிஷன் 2007க்கான காலம்வரை ஊதிய மாற்றத்தையடுத்தே பென்ஷன் அதே அடிப்படையில் உயர்த்தப்பட்டது. BSNL தொடர் நட்டத்தில் செல்வதால் 2017 ஊதிய மாற்றம் இதுவரை நடைபெறவில்லை. முயற்சிகள் நடைபெற்றுவருகின்றன. என்ன வரும் எப்போது வரும் என உறுதியாக சொல்லமுடியாத சூழல் நிலவுகிறது.

BSNL நிலைமைதனை உணர்ந்த பென்ஷன் அசோசியேஷன்கள் மற்றும் தொழிற்சங்கங்கள் புதிய கோரிக்கை ஒன்றை கடந்த 5 ஆண்டுகளாகவே முன்னெடுத்து வருகின்றன. பென்ஷன் சங்கங்கள் வேறுபட்ட பார்முலாக்களை 7th CPC என்றும் 3rd PRC என்றும் பேசினாலும் delinking pension revision from the pay revision என்பதில் முழுமையாக ஒன்றுபட்டுள்ளன.

இந்த புதிய கோரிக்கை புதிய நிலைமைகளில் எழுவது இயல்பான ஒன்றே. பென்ஷன் ரிவிஷன் 15 ஆண்டுகளாக இல்லை. மத்திய ஓய்வூதியர்கள் 2016ல் பெற்றுவிட்டனர் எனும் போது BSNL பென்ஷனர்களிடம் எதிர்பார்ப்பு தாகம் இருப்பது புரிந்துகொள்ளப்படவேண்டிய ஒன்றே. 7th CPC அடிப்படையில் இம்முறை கஷ்டப்பட்டாவது வாங்கிவிட்டால் இனி அடுத்து வரும் காலங்களில் இப்பிரச்சனை CPC pay Revision Pension Revision உடன் இணைக்கப்பட்டுவிடும் என்பது பென்ஷன் அசோசியேஷனின் நிலைப்பாடு. வேறு சிலர் PRC அடிப்படை என்கின்றனர்.

இந்த முயற்சிகள் எல்லாம் தலைவர்களால் நேர்மையாகவே செய்யப்படுகின்றன. 7th CPC வழியில் என பெறுவதற்காக அனைத்து

தரப்பு ஆதரவுகளையும் அத்தலைவர்கள் தேடி தங்கள் உழைப்பை நல்கிவருகிறார்கள்.

எனது வாழ்த்துகளையும் தருவதில் எந்த சிக்கலும் இல்லை. சிலர் நினைப்பது போல் குழு சண்டை விவாத சண்டை பதவிச் சண்டை என ஏதும் என்னிடம் இப்போது இல்லை. எனது புரிதல் வேறு என சொல்லிவருகிறேன். இதில் அறிவு மேலாண்மை என்பதும் இல்லை. சில எளிய லாஜிக்..மிஸ் ஆவதை சுட்டிக்காட்டி வருகிறேன்.

கோரிக்கை என்ன..

ஊதிய மாற்றத்துடன் பென்ஷன் மாற்றத்தை கட்டிப்போடாதே

7th CPC அடிப்படையில் 1-1-2017 முதல் அதற்கு முன்பு BSNL லிலிருந்து ஓய்வு பெற்ற பென்ஷனர்களுக்கு பென்ஷன் ரிவிஷன் செய்திடுக.

கவனமாக பார்ப்போம். பென்ஷன் ரிவிஷன் 1-1-2017 லிருந்து என்பதுதான் கோரிக்கை. சரி pay revision வந்திருந்தால் அதுவும் 1-1-2017 லிருந்து என்பதாகவே அமையும். எனவே இரண்டு ரிவிஷனுக்கும் குவிமய்ய புள்ளி 1-1-2017. வேறு எந்த தேதியிலிருந்தும் என்பது கோரிக்கையே இல்லை- அது பென்ஷன் ரிவிஷன் ஆனாலும் ஊதிய மாற்றம் ஆனாலும். அமுலாக்க தேதி முடிவான ஒன்று. இதற்கு முன்பும் போகமுடியாது. பின்பும் போகமுடியாது. actual benefits என்பதற்கு வேண்டுமானால் நிதி வசதிக்காக வேறு தேதியை சொல்லமுடியும்.

சரி. இப்போது 2017 ஜனவரியிலிருந்து 2026 டிசம்பர்வரை ஓய்வு பெறக்கூடிய பகுதி மாதம்தோறும் சேர்ந்துகொண்டேயிருக்கிறது- இன்னும் சேரப்போகிறது. இந்தப்பகுதி இலட்சத்திற்கு மேலே எண்ணிக்கை கொண்டதாக இருக்கும். இவர்கள் அனைவருமே அந்த மாஜிக்கல் 1-1-2017 அன்று ஊழியர்கள். அவர்கள் அந்த தேதிக்கு பின்னர்தான் பென்ஷனராக ஆகப்போகிறவர்கள். எனவே அவர்களுக்கு 1-1-2017 முதல் பென்ஷன் ரிவிஷன் என்ற கோரிக்கை எழமுடியாது. ஆனால் அவர்கள் இன்று பென்ஷர்கள். Pre 2016 pensioners உடன் கலந்து விட்டவர்கள். இவர்களுக்கு என்ன செய்வது...எந்த தேதியிலிருந்து பலனை பெற்றுத் தருவது.. பலன் தேதியோ ஒன்றுதான் அது 1-1-2017. இவர்கள் அன்று பென்ஷனராக பிறக்கவேயில்லை. இவர்களுக்கு பென்ஷன் ரிவிஷன் எப்படி வரும்?.

இப்படி post 2017 பென்ஷராக பிறந்தவர்களுக்கு ஏற்கனவே அவர்கள் ஓய்வு பெற்றபோது பென்ஷன் சம்பள அடிப்படையில் நிர்ணயிக்கப்பட்டுவிட்டது. இதை எப்படி எந்த தேதியிலிருந்து

திருத்துவது என்கிற கேள்விக்கு தெளிவான பதிலை நாம் பெறவேண்டிய நிலையில் உள்ளோம். இவர்களுக்கு நிர்ணயிக்கப்பட்ட பென்ஷனை மாற்ற update செய்யவேண்டுமெனில் அதற்கு ஊதிய மாற்றம் ஒன்றே வழி. அதுதான் அந்த magical

தேதியான 1.1.2017 முதல் இவர்களுக்கு வழியாக அமையும். இவர்களுக்கு நிர்ணயிக்கப்பட்ட பென்ஷனை அந்த தேதியிலிருந்து update செய்ய PRC ஒன்றே வழியாக இருக்கிறது என்ற புரிதல் தேவைப்படுகிறது.

Delinking pension revision from pay revision என்பது எனது புரிதலில் இன்று தவறான அணுகுமுறை. அது பென்ஷனர்களையும் பிரிக்கும் கோரிக்கையாகிவிடும். Ultimately it leads to delinking pre 2017 pensioners from post 2017 pensioners என்றே போகும்.

2027 யை எடுத்துக்கொள்வோம். அன்று 1-1-2027 க்கு பின் எந்த பென்ஷனரும் பிறக்கப்போவதில்லை என்ற நிலை இருக்குமெனில் delink என்பதில் லாஜிக்காவது இருக்கும். ஆனால் 1-1-2017க்குப் பின்னர் இலட்சக்கணக்கில் பென்ஷ்னர்கள் பிறந்துகொண்டிருக்கிறார்கள் என்ற நிலையில் delinking என்பது சரியான கோரிக்கையல்ல என்பது எனது புரிதல்.

July 31 2022

A piece for BSNL Employees and Absorbed Retirees

As Employees you are all expecting wage revision, due from Jan 2017. As pensioners we are all expecting pension revision from the same Jan 2017. In this material world, the expectations and desires of both of us are not unfair.

Trade Unions and Pensioners Associations are trying their level best to settle the issue. Even the TUs have gone to the extent of telling the masters that Pension revision may be done delinking wage revision, may be spiritually correct but materially difficult.

The Administrative Masters from DOT and DPE (now from MOF) are showing the guidelines issued for 3 PRC implementation. Those PSUs having profit started implementing the wage revision in the last 5 years. BSNL is not able to implement because of its loss making financial position.

In this scenario all unions and associations changed their approach in getting pension revision as it is being paid by GOI thro DOT Demands for Grants. The new approach is delinking. The main advocacy is that BSNL not at all concerned with the Pension Expenditure issue and DOT is the responsible apparatus.

Though they are all in unity demanding delinking, but started differing on the question of method whether 7th CPC or 3rd PRC. Those advocating 7th CPC fitment (not from Jan 2016) are convincing the stakeholders noting the special privilege of absorbed employees retiring from BSNL, getting pension from GOI vide the special provision made in the Pension Rules at the time of formation of BSNL during 2000 viz 37A after great struggles led by a legendary leader O P Gupta and others.

CPC seekers are demanding the eligibility of 7th CPC recommendations and the same to be extended to BSNL absorbed pensioners , as they are doing in the case of Gratuity calculations, minimum and maximum ceilings on pension.

The other pensioners and TUs are following the same old PRC pattern and demanding 3 PRC eligibility, of course with delinking.

All are unanimous on the date of implementation that is from 1-1-2017 whether CPC or PRC.

CPC changers are proposing new demands deviating from the path followed since 2000. One is changing to CPC instead of PRC which will help the BSNL pensioners to join the mainstream of Central Govt Pensioners. The other deviation is, they want the date of implementation not as per CPC date 2016 but from PRC date Jan 2017.

The ‘No changers ‘ of PRC have no such deviation, they want the same PRC implementation from the said PRC date 2017 but with delinking.

In all these demands, the unfortunate section that are left in lurch is those becoming BSNL absorbed pensioners that is post 2017 pensioners by the same special provision 37A. If delinking is accepted, this section more than a lakh pensioners are going to be affected and confusion is created by all in their demand comparing the demand of pre 2017 pensioners.

For post 2017 pensioners, the demand is not from 1-1-2017 as they are not eligible pensioners on that date but employees on that date, subsequently becoming pensioners. How can there be a different date for them barring 1-1-2017, most of the activists missing this question.

If pay revision is not settled then the employees as on 1-1-2017 have to travel in 2nd PRC IDA pattern and Pension Revision is settled accepting delinking then these pensioners have to travel in 3rd PRC IDA pattern after 1-1-2017. Again a sort of confusion amongst 37A absorbed folk entered in the BSNL on 2000.

Already 5 years over in the given period of 3 PRC. Only 5 more years we have in 3 PRC period. 2027- 2036 will become 4 th PRC period.

Can we as employees go to 4th PRC and Its IDA without entering into 3 PRC and it's IDA? This is a crucial question need to be taken seriously in this rest of 5 years. Make yourself fit into 3 PRC becoming an urgent issue, as BSNL is expected to head into profit mode during 4th PRC period of eligibility.

Delinking means we are delinking our entire folk together entered from DOT to BSNL on 1-1-2000 thro the same special provision namely the magical 37 A after the great effort of the far thinking great leader Gupta. In the name of delinking pay revision and pension revision from 1-1-2017, we are actually delinking pre 2017 pensioners from the post 2017 pensioners . This is most unfair and making our Dec 17 celebrations meaningless, creating a wedge in the folk of 37 A pensioners as a class.

Delinking means nobody want any pay revision, only pension revision, which is illogical regarding the employees of BSNL on 1-1-2017.

If delinking is accepted then pre 2017 may get the benefits, if at all anything from 1-1-2017 but post 2017 would miss that 1-1-2017 date. This is unfair.

Then what is the solution in the given situation and context, though not a novel idea I just place my understanding.

There are 3 categories as on date. One is pre 2016 absorbed pensioners, the second is post 2017 pensioners but employees on 1-1-2017, the third one is BSNL direct recruited employees not connected with 37 A. For all these categories the magical date of benefit should fall on 1-1-2017. What to do for this. The hitherto existing option is the way out in today's context. What is that option 'pay revision and thereby pension revision.' Nothing novel in it but that is the way out. Once we grip this as our focus, our energy will be channelised without any wastage.

The hurdle is DOT which one is yet to address the issue of making BSNL eligibility of 3 rd PRC, seeking exemption in the DPE guidelines. This is the dire need of the present situation.

Once the BSNL proposal for Executives is addressed (whatever to enter into 3rd PRC and it's IDA pattern) by DOT and sought approval is obtained by the efforts of DOT with cabinet, then there will be solution to both Non Executives and pre 2016 pensioners.

In order get pension revision for pensioners,we have address the issue of Executive's wage revision first and foremost. That is the way out. Pressing DOT 'do pension revision for that do pay revision ' is the only best available option in the present context.

I hope wisdom will take all to this path, though late.

31-7 2022 - R Pattabiraman

may 8 2022

தோழர் பட்டாபி முகநூல் பதிவு தமிழாக்கம்

இந்தச் சிறு பதிவு BSNL ஓய்வூதியதாரர்களின் நம்பிக்கையைக் குறைப்பதற்காக அல்ல, மாறாக ஊழியர்கள் மற்றும் ஓய்வூதியர்கள் இருசாரரின் நலத்தை நாடியே...

ஏறத்தாழ நிறுவனத்தின் அனைத்து ஓய்வூதியர் சங்கங்களும் தங்களின் முயற்சிகள் பலனளிக்கத் தொடங்கியுள்ளதாக உரிமை பாராட்டுவதை நான் காண நேர்ந்தது. இலாக்கா அமைச்சர் அவர்களின் பிரச்சனை பரிசீலிக்கப்படுகிறது என ஒன்று அல்லது சில நாடாளுமன்ற உறுப்பினர்களுக்கு எழுத்துபூர்வமாகப் பதில் அளித்ததைச் செய்தியாகக் கேள்விப்பட்டதும் அந்த அமைப்புகளும் ஓய்வூதியர்களும் சற்று நிம்மதியாய் மனமகிழ்ச்சி கொள்கிறார்கள். இது இயல்பானதே, ஏனெனில் ஓய்வூதிய மாற்றம் மிகவும் தாமதிக்கப்பட்டு அதற்காக அவர்கள் 2017 ஜனவரி முதல் காத்திருக்கிறார்கள்; ஆனால் அவர்கள் நிலையில் உள்ள ஓய்வு பெற்ற மத்திய அரசு ஊழியர்கள் பென்ஷன் மாற்றத்தை 2016 ஜனவரி முதல் பெற்று அந்த நிவாரணத்தை கடந்த ஆறு ஆண்டுகளாக அனுபவித்து வருகிறார்கள் என்பதை ஒப்பிடும்போது இந்த உணர்வு இயல்பானதேயாகும்.

பிரச்சனையை அவர்கள் பரிசீலிக்கிறார்கள் என்பதைக் கேட்கவே நன்றாக உள்ளது; ஆனால், மன்னிக்க வேண்டும், எனது அறிவுக்கு எட்டியவரை ஏதோ ஒரு வகையில் ஊதியமாற்றம் வராமல் இது (ஓய்வூதிய மாற்றம்) அமலாக்கப்பட முடியாது. ஓய்வூதிய மாற்றக் கோரிக்கைக்கு அமைச்சரவையில் ஒப்புதல் பெறுவது சாத்தியமாக, (முதலில்) அதிகாரிகள் மற்றும் அதிகாரிகள் அல்லாத ஊழியர்கள் இருசாரரின் ஊதிய மாற்றமும் பரிசீலிக்கப்பட வேண்டும். ஓய்வூதிய மாற்றக் கோரிக்கை 31-12-2016க்கு முன் ஓய்வு பெற்றவர்களுக்கானது மட்டுமே. அப்படி அந்தக் கோரிக்கை பரிசீலிக்கப்பட்டு தீர்க்கப்படுமானால் பின்னர் அவர்கள் அனைவரும் (2017க்கு முன் ஓய்வுபெற்றவர் என) பென்ஷன் மாற்றத்தை 1--1--2017முதல் பெறுவார்கள்.

ஆனால் (இந்நிலையில்) 2017 ஜனவரி முதல் பணி ஓய்வு பெறுபவர்கள் (அவர்களுக்கான) பென்ஷன் மாற்ற உத்தரவு தேதி வரும் வரை அவர்களது பென்ஷனை மாற்றி நிர்ணயிக்கவும் மீண்டும் மறுமுறை மாற்றி நிர்ணயிக்கவும் முடியும்; அப்படிச் செய்வதற்கும் 01-01-2017 முதல் அவர்களுக்கான ஊதிய மாற்றம் நடந்திருந்தால் மட்டுமே சாத்தியம். அவர்களுக்கான பென்ஷன் ரீ-ஃபிக்சேஷன் சாத்தியப்படாது; ஏனெனில் அந்த அதிசயத் தேதி 1-1-2017 ஊதியப் பட்டியலில் அவர்கள் ஊழியர்களாக பணியில் இருப்பார்கள் என்பதால் 2017க்குப் பிந்தைய ஓய்வூதியர்களுக்கு நாம் பென்ஷன் மாற்றம் கோர முடியாது. அந்த அதிசயத் தேதி 1-1-2017க்குப் பிறகு எந்த மாற்றமும் இருக்க முடியாது.

1-1-2017 தேதியைத் தவிர வேறு எந்த நாளின் தேதியிலிருந்தும் 2017க்கு முந்தைய ஓய்வூதியர்களுக்கான பென்ஷன் ரிவிஷன் தேதி இருக்க முடியாது; (அது போல) 1-1-2017 தேதியைத் தவிர வேறு எந்த நாளின் தேதியிலிருந்தும் 2017க்குப் பிந்தைய ஓய்வூதியர்களுக்கான ஊதிய மாற்றத் தேதியும் இருக்க முடியாது. பென்ஷன் ரிவிஷனை ஊதிய மாற்றத்திலிருந்து துண்டிப்பது (டி-லிங் செய்வது) என்பதை ஏற்று ஒப்புக்கொள்வது என்பதன் பொருள் ஊழியர்களுக்கு ஊதிய மாற்றம் தேவையில்லை என்பதைத் தவிர வேறில்லை.

(அப்படி) ஊதிய மாற்றத்துடன் தொடர்புபடுத்தப்படாமல் பென்ஷன் ரிவிஷனைத் துண்டிப்பது என்ற நிலைமைக்கு எப்போது உயிர்வரும் என்றால் ஒரு குறிப்பிட்ட தேதிக்குப் பிறகு –அதை 1-1-2027 அல்லது 1-1-2037 என்று சொல்லலாம் – நிறுவனத்தில் அப்சார்ப்டு ஊழியர்கள் யாரும் இல்லை என்ற நிலை வரும்போதுதான் (அவ்வாறு நிகழ முடியும்).

எதிர்காலத்தில் எதுவரை BSNL அப்சார்ப்டு பென்ஷனர்கள் இருப்பார்களோ அதுவரை, இந்தக் கோரிக்கை (டி-லிங்கிங் பென்ஷன் ரிவிஷன்) ஒரு குறிப்பிட்ட தேதியில் இரண்டு வேறுபட்ட பிரிவு பென்ஷனர்களை உண்டாக்கிவிடும்.

ஒரே நேரத்தில் (ஏக காலத்தில்) ஊதிய மாற்றம் மற்றும் ஓய்வூதிய மாற்றம் இவற்றை ஒரே மாதிரி (சேம் மெத்தேடு) அமல்படுத்துவது ஒன்றே 2017க்கு முந்தைய மற்றும் 2017க்குப் பிந்தைய பென்ஷனர்கள் மற்றும் ஊழியர்கள் இருசாரரின் பிரச்சனைகளையும் தீர்க்கும்.

இந்தப் பிரச்சனைகளுக்குத் தீர்வு காண (ஓய்வூதிய அமைப்புகள் மற்றும் ஊழியர் அமைப்புக்களைச் சார்ந்த) அனைவரின் தொடர்ந்த முயற்சிகளும் வெற்றி பெற நான் வாழ்த்துகிறேன்.

--ஆர் பட்டாபிராமன்

--தமிழில் : நீலகண்டன், என்எப்டிஇ, கடலூர்

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aug 7 2022

ஓய்வூதியர் மாநாடு வாழ்த்துகள்

பி எஸ் என் எல் ஓய்வூதியர்களின் தமிழ் மாநில மாநாடு துவங்கி நடைபெற்று வருகிறது. தலைவர்கள் பங்கேற்று உரையாற்றி வருகிறார்கள். சார்பாளர்கள் விவாதிக்க வாய்ப்பு இருக்கலாம். அனைவருக்கும் நல்வாழ்த்துகள்.

மாநாடுகள்தான் அடுத்து வரப்போகும் காலத்திற்கான நம்பிக்கை நாற்றங்கால்கள். 100 நிமிட பேருரை ஒன்றின் வழியாக இம்மாநாட்டின் முழுத்தேவையும் நிறைவேற்றப்பட்டுள்ளதாக அறிகிறேன். எப்போதும் பொதுவாக மாநாடுகளில் keynote Address என்பதற்காக அனைவரும் காத்திருப்பர். அந்த உரை தரும் வெதுவெதுப்பில் மாநாடு தன்னை கரைத்துக்கொள்ளும். அந்த உரையின் வழியாக அந்த அமைப்பு தன் wisdomத்தை வெளிச்சமிட்டுக்காட்டும்.

என் புரிதலில் இதுவரை என்ன சொன்னார்களோ அது மீண்டும் சொல்லப்பட்டுள்ளதாகவே தோன்றியது. புதிதாக இரகசியம் காப்பது என்ற உத்தி மட்டும் தங்களுக்கு பிரச்னை தீர்விற்கு அவசியம் என கருதப்பட்டுள்ளதாக தெரிவித்துள்ளனர். அமைப்புகள் இரகசியம் காப்பது என்பதில் இறங்கினால் அது பலமா அல்லது பலவீனமா என்பதை காலம் முடிவெடுக்கட்டும்.

அந்த 100 நிமிட மய்ய உரையின் திரும்ப திரும்ப சொல்லப்பட்ட விஷயங்களில் சில அம்சங்களில் என் புரிதலை அவ்வப்போது முகநூலில்/ இணையதள பக்கத்தில் எழுதியிருக்கிறேன். அவற்றுள் 4 இடுகைகளை மட்டும் இங்கு தொகுத்து கொடுத்துள்ளேன். அந்த உரையில் எனக்கு தென்படும் இடைவெளிகள் குறித்து என் புரிதலை இந்த இடுகைகள் பேசியிருப்பதால் அவற்றை தொகுத்து கொடுத்துள்ளேன். 2020- 2022 காலத்தில் போடப்பட்ட இடுகைகள் அவை.

பென்ஷன் ரிவிஷன் என்கிற மய்யமான BSNL ஓய்வூதியர் அனைவருக்குமான பொது கோரிக்கையின்பாற் சற்று கூடுதலான புரிதலுக்கு என் பார்வையும் உதவிகரமாக இருக்கக்கூடும். தீர்வின் சாலையை கண்டடைய வேண்டும் என்பதுதான் நம் அனைவரின் தவிப்பாக இருக்கிறது. எனக்கும் அதுதான் நோக்கம். அமைப்பில் விவாத செழுமை என்பதை தாண்டி வேறு எந்த எதிர்பார்ப்பும் இல்லை. வாய்ப்புள்ளவர்கள் இந்த இடுகைகளை படித்துப் பார்க்க வேண்டுகிறேன்.

இதில் இடம்பெற்றுள்ள முதல் இடுகை செப்டம்பர் 2020ல் எழுதப்பட்ட ஒன்று. வழக்கு மன்றத்திற்கு கொடுக்கப்பட்ட சில அம்சங்கள் குறித்து என் பார்வையை பேசும் இடுகை. அதில் DOT நேரிடையாக நமக்கும் பொருந்தும் எனச் சொல்லக்கூடியவற்றிற்கு அதாவது அன்றைய தேதி ஊழியர்களுக்கு applicability என வெளியிடும் உத்தரவுகள். மற்றது incorporation என காபினட் ஒப்புதலுடன் பென்ஷனர்களுக்கு வெளியிடும் உத்தரவுகள் குறித்து பேசியுள்ளேன்.அடுத்து துணைவிதி 37 ஏ 4 பற்றி கொடுத்துள்ளேன். உரையில் சுட்டிக்காட்டப்பட வழக்கு 15-12-1995 பற்றியும் சொல்லியுள்ளேன்.

BSNLல் நுழையும்போதே ஒருவர் அரசாங்க பதவியில் தொடர வாய்ப்பு தரப்படுகிறது. அப்படி செய்த நூற்றுக்கணக்கானவர்களும் இருந்தனர். ஆனால் 4 லட்சம் ஊழியர்கள் கம்பெனிக்கு செல்ல ஆப்ஷன் தந்தனர். அவர்கள் கம்பெனி நுழைவிற்குப் பின்னர் அவர்கள் அரசாங்க ஊழியர்களாக வகித்த அத்தனை இடங்களும் abolish செய்யப்பட்ட நிலையில் ஒருவர் அந்த வழக்கின் படி எந்த பதவியில் அரசாங்க ஊழியர்களாக அவர்கள் 1-10-2000க்குப் பின்னரும் தொடரமுடியும்?

அவர் கம்பெனியில் அரசாங்க ஊழியர்களாக தொடர்ந்தால் 1996ல் 5வது ஊதியக்குழுவை பெற்றுவிட்டு 1-10-2000ல் முதல் PRC ஊதிய நிலைக்கு ஏன் வைக்கப்படவேண்டும்? தொடர்ந்து 2வது பி ஆர் சி, அதற்கு பென்ஷன் திருத்தம், 78.2 மாற்றம், அதற்கு பென்ஷன் மாற்றம், கம்பெனி விதிகளின்படி பதவி உயர்வுகள் என அவர்கள் அரசாங்க ஊழியர்களாக தொடர்ந்தால் எப்படி பெற்றிருக்கமுடியும்?

பொதுத்துறை என்றால் ஐ டி ஏ தான் என்பது அந்த தொழிலகத்திற்கான option. இன்றும் கூட சில பொதுத்துறைகளில் CPC- CDA அமுலாக்கம் (அங்கும் இலாபம் இருந்தால்தான்) DPE OM படி நடக்காமல் இல்லை. எனவே கம்பெனியில் உள்ள தனிநபர்களுக்கானதல்ல CDA- IDA-என்பது, அதுIndustry Chioce ஆக இருக்கிறது. எனவே அரசாங்க ஊழியர் இல்லை என்கிற 'யுரேகா' பேச்சு எடுபடுமா எனத் தெரியவில்லை.

மேலும் அந்த இடுகையில் இந்த ஒன்றையும் சுட்டிக்காட்டியுள்ளேன்.

About the Issue of Delinking DOPPW OM addressed to DOT dt 8-3-2019 specifically placed the following observation

“…. In case pension of the past pensioners is revised, their revised pension would become higher than pension to be fixed on retirement of the existing employees. This will create an anomalous situation in BSNL/ MTNL as the past pensioners would be getting more pension than the freshly retired pensioners. DOT therefore needs to bring about how they propose to resolve this anomaly”

LS reply to the question dt 11-3-2020:

“Pension revision of absorbed employees of Bharat Sanchar Nigam Limited (BSNL) is linked to the pay revision of the serving employees in as much as pension is calculated on the basic pay which the retired employee was earning at the time of retirement. Pension may be revised if the said basic pay is revised on account of pay revision of serving employees.”

அடுத்த இரண்டாவது இடுகை தமிழில் எழுதப்பட்ட ஒன்று. அதில் ஓய்வூதிய மாற்றம் அனுபவங்கள் என்பதை விளக்கி சொல்ல முயற்சித்துள்ளேன். அதில் 37 A ல் நுழைந்தவர் அனைவரும் ஒரே class என்பது பற்றி பேசியுள்ளேன். முந்திய காபினட் மெமொக்கள் எப்படி பென்ஷன் ரிவிஷன் குறித்து பேசின என்பதை சுட்டிக்காட்டியிருக்கிறேன். அதில் இவ்வரிகள் முக்கியமானவை

”ஒரு ஊழியர் ஓய்வு பெறும் நாளில் பெறுகின்ற ஊதியம்; மற்றும் எதிர்காலத்தில் இவரது அந்தஸ்தில் பணிபுரியும் ஒரு ஊழியர் அவர் ஓய்வு பெறும் நாளில் பெறக்கூடிய ஊதியம் -- இவற்றோடு இணைக்கப்பட்டிருக்கிறது பென்ஷன் (Pension is linked to pay drawn at the time of retirement as well as pay drawn by employee of similar status in future after retirement)”

ஊழியர்களுக்கு applicability ல் செய்யப்பட்ட ஒன்றையும் அதில் சுட்டிக்காட்டியுள்ளேன். அவ்வரிகள்

“ 2016-க்கு பிந்தைய ஊழியர்களுக்கு வழங்கப்பட்ட ஓய்வூதிய நலத்துறை உத்தரவு 6.1 பத்தியின் படியான பணிக்கொடை இருபது லட்சம் பொருந்தும் என அந்த உத்தரவில் கூறியுள்ளது. ஆனால் பத்தி 6.2 ல் விலைவாசி கிராக்கிப்படியோடு இணைத்துப் பணிக்கொடை உச்சவரம்பு என்பதை நமக்குப் பொருந்தும் என உத்தரவிடவில்லை. 2007 IDA மற்றும் 2017 IDA வில் இருந்த குழப்பம் காரணமாக அதனைத் தவிர்த்துவிட்டது”

இதில் தரப்பட்டுள்ள மூன்றாவது இடுகை CCS Pension Rules 2021வந்த பின்னர் அதில் இடம்பெற்றுள்ள விதி 66 குறித்த புரிதலுக்கானது. ஜனவரி 2022ல் எழுதியுள்ளேன். 100 நிமிட உரையிலும் மாநாட்டில் இது சுட்டிக்காட்டப்பட்டது.

2021 விதிகளில் 37 ஏ ல் ரூல் 66 படி பென்ஷன் ரிவிஷன் செய்யலாம் என தலைமை பேசியதில் இருந்த புரிதல் குறித்து அந்த இடுகையில் முழுமையாக விவாதித்துள்ளேன். நமக்கான விதியல்ல- நமக்கு பொருந்தும் விதியல்ல என்பதை அதில் சுட்டிக்காட்டியுள்ளேன்.

அடுத்து இதில் இணைக்கப்பட்டுள்ள நான்காவது இடுகை கடந்த வாரம் எழுதிய ஒன்று. Delinking என்பதின் எதிர் விளைவுகளை சுட்டிக்காட்டி Executive Pay Revision- Non Executive Pay Revision- Pension Revision ஆகியவற்றிற்கான தொடர்புகளைப் பற்றி அதில் பேசியிருக்கிறேன்.

எனவே பொறுமையாக எனது இடுகைகளையும் சேர்த்து படித்து புரிந்துகொள்ளுமாறு வேண்டுகிறேன். என் புரிதலில் தவறு இருந்தால் சுட்டிக்காட்ட வேண்டுகிறேன்.

மிக முக்கியமாக நாம் எழுப்பிக்கொள்ள வேண்டிய கேள்வி நமது கோரிக்கை என்ன என்பது குறித்த தெளிவு.

31-12-2016க்கு முன்னர் ஓய்வு பெற்றவர்களுக்கு ஓய்வூதிய மாற்றம் என்பதுதான் மய்யமான கோரிக்கை. ஆனால் இன்று இருக்கும் ஓய்வூதியர்கள் பட்டியலில் இந்த கோரிக்கைக்கு பொருந்தாத Post2017 ஓய்வூதியர்கள் நம்முடன் சேர்ந்திருக்கிறார்கள். அப்படி அவர்கள் சேரும் காலம் வரை இந்த பிரச்னை linking என்பது இருக்கும். இந்த லிங் இருக்கும்வரை அவர்களை பி ஆர் சியில் விட்டுவிட்டு நாம் சி பி சி என போகமுடியாது. அதேபோல் அவர்களுக்கான பலனை 1-1-2017 லிருந்து வேறு தேதிக்கு ஒத்திப் போடவும் முடியாது. அந்தப் பலனை 1-1-2017 அன்று பென்ஷன் ரிவிஷனாக அவர்கள் பெறமுடியாது. ஊதிய மாற்ற பலன்களையே பெற்று நிர்ணயிக்கப்பட்ட பென்ஷனை மாற்றிப் பெறவேண்டும். இந்த புரிதல் பெரிய அளவில் 100 நிமிட உரையில் miss ஆனதாக எனக்கு தோன்றுகிறது.

நல்வாழ்த்துகள்

7-8-2022

aug 29 2022

An Appeal to All the Unions Associations of BSNL and to All the pensioners ' Associations

As an activist of yester years I prefer my humble appeal to all regarding pay and pension revision to BSNL Employees and to its absorbed Pensioners

If some resolution is passed by some unions appealing to bring unity of all unions and associations to settle the above matter by joint memo and joint struggles, I shall be thankful to them

A JOINT Memo by all the Unions and Associations irrespective of their membership strengths demanding DOT and GOI to settle pay revision and pension revision simultaneously at least minimum with 5 % fitment from 1-1-2017 .

Pressing DOT with Joint Memo seeking one time exemption from 3rd PRC guidelines may be the reasonable way out in today's situation

Joint sitting Joint Memo Joint struggle with one focus on this issue may help to make the GOI to some positive direction.

I SHALL BE THANKFUL if this appeal is taken in right sense and efforts are made for unity of all to settle the demand in a reasonable way within a reasonable period

- R Pattabiraman 29 Aug 2022

sep 1 2022

BSNL pensioners News

On Aug 31st SNPWA an association of BSNL retired Executives reporting some inputs regarding pension revision. The essence is summarised as per my understanding.

They met DOPPw officers and confirmed the file received from DOT

They heard the revelation of some undesirable things from them not to be divulged in public domain

Proposals are there to amend 37 A to enable it for delinking pension revision from pay revision. But the issue is larger one so thinking is there to form a committee to examine the proposal in totality

Regarding zero percent fitment proposal, It is up to DOT to decide, DOPPw needs to give its concurrence on the part of pension revision issue. DOPPw may ask certain clarifications on DOT's proposals shortly.

Then the leaders met DOT officer. That Officer clarified that DOT intends to put everyone at the minimum of 3 rd PRC scale and will take care of the fear of any loss like placing them at least in the minimum of respective that is E1, E2 etc scales.

Good and thanks to the leaders for their inputs. This seems to me that DOT is trying pay revision for the Executives in 3rd PRC scales with IDA merger on 1-1-2017 and thereby pension revision for pre 2017 on the same formula.

The second question that comes to mind after seeing the inputs is this. When something is desirable to hear for the leaders from the mouths of DOPPw officers , then how it becomes undesirable to divulge to the members from the mouth of leaders..why then telling something hush hush is there and keeping the members in dark about that undesirable thing.

The special privilege they are getting as leaders may be that they come to know things first as they are sent by members to the negotiation table. This does not give them any special privilege not to divulge what they know however undesirable that may be to stop telling to their members. They are representing publicly only not privately. This attitude is absent in their inputs.

Let every association understand the attitude of DOT and it's capacity to push the issue of Pension revision thro pay revision . I appeal once again to approach DOT jointly to clinch the issue of pay and pension revision with at least 5 percent fitment

1-9-2022 08 hrs R . Pattabiraman

Sep 21 2022

Missing the wood for Trees (Issue of Pay and Pension Revision)

AS I also came from an organizational background having a minimum of 40 years service- so well trenched in organizational life, I should agree that no organization can tolerate people making it a debating society after some decisions taken. The grammar that prevails there is, if endless debate then it will be a sure way to disunity. But decisions are subject to change, when leadership is open to hear the strong views that are coming even from microscopic minority.

This Piece is with good intention to strengthen the hands of leaders of BSNL both Unions and Associations, not to question their wisdom or their best efforts.

Almost all the Unions and Associations are having near unanimity for delinking Pension revision from Pay revision. Some Associations and some individuals in some organizations are for both pay and thereby pension revision.

It is reported by most of the Associations that DOT has sent its proposals for Pension revision with IDA merger on 1-1-2017 and with no fitment benefit. Though CMD of BSNL pleaded for both Pay and Pension Revision, his views were not considered as on date. Also reports are coming that DOPPW was not rejected the Proposal.

Though thankful for DOT sending its proposal, some associations expressed their disappointment on hearing zero percent fitments benefit which according to them no benefit. It is also reported that DOT addressed their apprehension saying that there will be some benefit even in this zero fitment because the pension revision will be atleast having 50 % 0f the minimum of respective pay scales- I repeat here 'minimum of the Pay scales '. The Pay scales they mention here is 3rd PRC scales only.

This means DOT have to approve/take the 3rd PRC scales for BSNL Executives for their pension revision- that is applicability of 3rd PRC scales to BSNL also.

Though all are happy to see that some said proposal for Pension revision is gone without linking it with pay revision, they differ in their demand regarding the issue of fitment- some for 7th CPC 2.515 multiples and some other for 3rd PRC 15 % fitment.

7th CPC has its own lower pension ceiling 9000 and Upper Pension ceiling (50 % of 2.5 lakh) which will be made applicable to BSNL absorbed pensioners also when Pension revision takes place for them.

How then DOT is assuring a different minimum other than the spelt 9000- that is the minimum of the pension revision (even with zero %) will not be less than corresponding 50 % of the minimum of the new 3rd PRC scales. There is a basis for this and precedence for this. This means for Pension revision we need some new pay scales and that pay scales are 3rd PRC scales – that is pension revision proposal is linked with the Known new Pay scales.

For NE pensioners unless the corresponding Pay scales are not prescribed well before Pension revision, then how they can get the same benefit of Executives – that is the benefit of getting pension after revision, not less than the 50 % of the minimum of the corresponding new scales.

For prescribing NE new pay scales, BSNL management should seek some agreement with the recognized unions and Unions may press that their pay scales should address the same yardstick as that of Executive pay scales and to avoid stagnations - that is they should reflect subsuming 15 % fitment.

So unless NE wage agreement is there and approval of DOT the administrative ministry for that scales is there, pension revision for them is not possible. It is nothing but wage revision agreement.

So without wage revision agreement- that is without their new pay scales, it is difficult to have pension revision for them.

Otherwise NE pensioners should satisfy with the 7 th CPC Lower 9000 ceilings and should lose the different minimums connecting the new pay scales.

My appeal is let us not miss what is specially given to us in the 15-3-2011 Pension revision order for BSNL absorbed pensioners during 2nd PRC.

I quote the para which one need to be taken care of apart from 7th CPC ceilings. This was not the case of CG pensioners for their pension revision

DOT OM dt 15-3-2011

Sub :Revision of Pension of Pre 2007 pensioners/ FP of BSNL

4.2 The fixation of pension will be subject to the provision in no case shall be lower than 50 % of the minimum of the in the pay scale corresponding to the pre revised pay scale from which the BSNL pensioner had retired

4.4 The lower and upper ceiling on pension shall be Rs 3500 and 45000 respectively

In the Annexure

It speaks specific minimum pension for the respective corresponding specific pay scales.

They have given for NE 1 to NE 11 and for Executives E1A to E9 A

Minimum revised Pension for NE

NE 1 – 3880, NE 2 3920, for 3 - 3950, for 4- 4075, 5- 4350, 6- 4510, 7- 5450, 8-6260, 9-

6800, 10- 7450, 11- 8185 (This is apart from the 6th CPC minimum lower ceiling 3500)

For executives

E1A-8200, E2A- 10300, E3-12450, E4- 14550, E5-16450, E6-18300, E7- 21600, E9 and E9A

-31000

The Unions and Associations should not miss that para 4.2 of DOT OM 15-3-2011 for this time also to get specific minimum pension after revision as per specific new scale.

As per the DOT assurance the Executives may get if pension revision order issued, their minimum revised pension will be as that of

E1 20000, E2- 25000, E3- 30000, E4- 35000, E5-40000, E6-45000, E7- 50000, E8 60000, E9 -75000 for CMD- 1,00,000

For NE we need new scales to have this benefit.

I hope leaders of both Unions and Associations will take this piece in proper sense to get things clarified, when they again approach DOT officers

21-09-2022 10 hrs

- R Pattabiraman TN

17

sep 27 2022

While the Retired Executive Associations in BSNL are started calculating and sending illustrations about their pension revision, the non executives are having their silence. It is really shocking to see the absence of awareness.

Pensioners are pensioners. They cannot be classified as all absorbed pensioners are one in category.

When Executives have 3rd PRC scales to calculate, non executives have no such visible scales to say their opinions or show their calculations to the DOT.

This is high time for the NE both pensioners and employees to seek and press for their new pay scales with 15% subsumed built in scales. Unions should press for agreement quoting the pension revision file movement of DOT. We should ask and get clarification whether pension revision for NE pensioners can be done without having new pay scales.

A moot qn to be raised and settled in time is the need of the hour

oct 13 2022

BSNL Pensioners on the Negotiating Table

I appreciate the leaders of BSNL Pensioners Associations for their best efforts to bring DOT to the negotiating table. An Official communication was established in this regard and the meeting is going to take place on Oct 17th 2022.

The agenda of the meeting is :

To discuss the issues regarding request of revision of Pension of BSNL/MTNL absorbed employees as per 3 rd PRC w.e.f 1-1-2017.

Varied Associations are going to participate as invited with their rich negotiating experiences. The negotiation with the Govt Bureaucrats is really an art and we hope all would excel in that.

Associations that are going there have already held many informal sittings with DOT, stating their points even with written emphasis.

When more and varied negotiators are there, it is natural to enter a kind of psychological competitive race to impress upon the other side that is management side and even their same side that is associations side. Everyone normally wishes to speak and sometimes desires to lead.

As already demands and notes are given to the DOT, if this meeting time is utilized more for extracting DOT's proposals and mind that will be useful. The match should be not amongst or within the associations' side but with DOT.

Everyone knows that within a single official meeting, it is difficult to settle things. But steering DOT to the road of settlement should be given higher priority. This I hope the associations will try.

Now the agenda is 'the requested pension revision' as per 3rd PRC. We have to know from DOT what they mean by that regarding the components like IDA Merger on 1-1-2017 and fitment percentage. The other component they mentioned is in the agenda itself that is date of effect. Any revision consists of these three fundamental components.

The other point regarding pension revision is about the minimum pension equivalent to respective minimum of 50 % of the scale. In 2007 pension revision DOT has given this in their order. This time also DOT should ensure it beyond the CPC minimum of 9000. As the Pension revision is mentioned on 3rd PRC, Govt is having 3rd PRC scales for executives and so placing them is possible regarding the issue of minimum. But for NE DOT should clarify how pension revision can be clinched without having 3rd PRC scales for them. DOT should be made to open out in this regard.

Then the question is about post 2017 pensioners. The date of effect cannot be any other date than the said 1-1-2017. That date is possible only if any pay revision is accepted.

I hope the associations know the issues and context well and use this meeting to extract maximum from the mind of DOT than to enter in the competitive race of proving oneself.

12 hrs 13-10-2022

19

oct 22 2022

Pension Revision- DOT Meant What..

It is our bounden duty to go through the available slides of DOT presented to the Association of pensioners during the meeting on Oct 17th 2022. The copy of full presentation of DOT must be obtained and placed in the public sphere to study it better. Let us take the two important slides that have immediate connection with our pension of revision. One should discern not miss that the slides carry the mind of DOT.

For pre-2017 pension revision DOT slide says the following:

“Pension of the Pre 1-1-2017 retirees would be fixed by taking half of notional pay, as derived from merging their IDA as on 1-1-2017 with LPD and placing it with the scales of 3rd PRC. It would be ensured that, no notional pay such derived be less than the minimum of the corresponding 3rd PRC scale. It would also be ensured that there be no loss in notional pay on account of bunching of pay”

Here the contention is about zero fitments, though no such word was mentioned in that para but can be easily inferred and the demand is about fitment by some associations for 7th CPC and others for PRC. DOT is categorical that no 15 % fitment is possible and it was told that it may be in between 0 to 15 %. So neither zero nor 15 it is cleared. This one is connected with PRC only. So the options are 5 and 10 accordingly, if we read between lines.

If all the associations with all vigil move together and press that the fitment which is closer to 15 % that is not less than 10 % then the relief for pensioners will be good though not the best. It may be nearer to 7th CPC’s 14 plus percent also.

For Post 2017 Pension revision DOT slide says the following:

“ Pension of post 2017 retirees would be fixed by taking half of notional pay as derived from merging their basic pay on 1-1-2017 with IDA on 1-1-2017 and placing it with the scales of 3rd PRC and subsequent updation of such notional pay by way of annual increments/stagnation increments (if any) till one’s retirement. However, it would require relaxation in Rule 37 15 a of CCS PR 2021.

I have given below the relevant sub rules of 37 that is 12 b ,14, 15 a and 26 for our understanding.

Let us take post 2017 slide of DOT. DOT is very clever. It is made as open ended. There is no such provision when this ‘notional ends and actual starts’. For this we have to learn from its 78.2 order dated 18-7-2016. For post 2017 retiree half of notional pay derived from merging, say even merging and fitment (if fitment is settled) and such derived notional pay on the 3rd PRC scales by way of eligible increments will be taken

for his or her pension fixation. Here like the one given to 78.2 %, no ‘actual date of benefit’ is shown.

It is left open ended and it may suit DOT.

Suppose DOT issues pension revision order on 10th May 2023 (if earlier happy) in the slide said manner then those retire after that date will also be covered by this order, because they also come under post 2017 retirees. They will not get the actual benefit even after that order issued date say 10th may 2023, (though they may continue after that order date as employees). For employees those who are going to serve beyond the order date , the benefit of enhancing their pay from 1-1-2017 notionally till 9-5-2023 (say if order issued on 10th may 2023) and actual from that date is shadowed here. Some may entirely have to go for the ten years in notional pay only (regarding for pension fixation) , if retirement is on dec 2026. This will continue till a change is obtained either thro 4th PRC or thro 8th CPC.

This means no pay revision for them, even though they take 3rd PRC scales. This is the outcome of the so called great delinking.

So now DOT suits its proposal with those demanding benefit for post 2017 retirees from their date of retirement and pre 2017 from the date of 1-1-2017. DOT modified the date of effect as it knows correctly that can be only from 1-1-2017 for both pre and post 2017.

As per 78.2 order of DOT (10-6-2013) for post 2017 retirees retired between 1-1-2007 to 9-6-2013 because of notional pay the following impact we found

“..However, these pensioners do not get actual benefit of increase in pay/ pension during the period between 1-1-2007 to 9-6-2013, and they would get increase in the amount of DCRG, leave encashment and commutation of pension on this account”. This one is not clear in the DOT slide for Post 2017. That is notional pay means no pay arrears but increase of DCRG, leave encashment and commutation. This point also is to be taken care of.

Summing up the mind of DOT from these proposals:

• DOT is willing to consider Pension revision without Pay revision

• Pension revision would as per 3rd PRC

• Date of Effect as per 3rd PRC that is 1-1-2017

• IDA merger as per 3rd PRC 119.5 %

• Fitment neither 0 percent nor 15 % but in between- if as mentioned by 3rd PRC means then it would be either 5 or 10 %

• It is 3rd PRC scales linked Pension revision not 3rd PRC Pay revision linked Pension Revision

• DOT slide is silent about increased DCRG, Leave encashment and Commutation

• For this they may have escape gate from the DPE guidelines for 3rd PRC implementation regarding pay revision. But they take its factors like date of effect, merger point, fitment and scales of PRC without allowing Pay revision or seeking exemption from DPE for BSNL/MTNL Pay revision

For this they seek relaxation of rule 37 15 (the rule is given below) and it seems a sort of concurrence obtained from DOPPW- that pension fixation based on notional pay. This tantamount 'giving up the right pension /family pension shall be calculated in the same manner as calculated in the case of a Central Govt servant retiring or dying on the same day. The emoluments or average emoluments for this purpose shall be based on the pay drawn in the PSU as per IDA pattern'.

Com O P Gupta fought a very long drawn struggle to get that explanation appended with the rule 8 of 37 A the present 15 A of 37 . We are all enjoyed this rule when we get our pension fixed . But now at the cost employees who are going to continue in BSNL even after if any Pension Revision order , we are striving our best to get Pension revision in the name of delinking.

I appeal to the recognized Unions that they should be doubly careful by studying the situation and DOT's mind carefully and clinch the issue of Pay revision as early as they can in the negotiating committee and sending the same to the administrative ministry. Executive scales are based on 15 % and naturally on that standard NE scales need to be constructed and approved. Pressing to seek exemption from DPE for the Pay Revision is the way. Kindly miss not the time.

BSNL may place its hindrances on the plea of increased pension contribution. If BSNL is exempted to pay the increased contribution from 1-1-2017 to the date of DOT's approval or from 1-1-2017 to the date of 31-1-2019 (that is the date of VRS- so that to reduce its burden of paying to some 80000 people more), then the increased pension contribution issue will not be that much a burden to BSNL.

The only best way to all stake holders- pre 2017, post 2017 and employees of BSNL to get some benefit with their interconnectedness is simultaneous pension revision and pay revision. If pension revision alone means, the recognized means may face the wrath of the employees. I am confident that their wisdom will take things in a better way and help them to clinch the issue. The time is ripe to act with all steadfastness.

I wish good luck to both the Associations of Pensioners and TUs of Employees.

Sorry to bother you all. Diwali wishes!

Post script

37 of CCS Pension Rules 2021

Sub Rule (12)

A Government servant who has been absorbed as an employee of a public sector undertaking shall be entitled to exercise option either,-

(a) to receive pension or service gratuity, as the case may be, and retirement gratuity from the Government for the service rendered under the Central Government in accordance with rule 44 and rule 45; or

(b) to count the service rendered under the Central Government in that public sector undertaking for pension and gratuity.

Sub Rule (14)

A Government servant who has exercised option under clause (b) of sub-rule (12) and his family shall be eligible for pensionary benefits (including commutation of pension, gratuity, family pension or extra-ordinary pension), on the basis of combined service rendered by the employee in the Government and in the public sector undertaking in accordance with the formula for calculation of such pensionary benefits as may be in force in the Central Government at the time of his retirement from the public sector undertaking or his death

Sub Rule (15)(a)

On retirement from the public sector undertaking or on death of an absorbed employee who has exercised option under clause (b) of sub-rule (12), the amount of pension or family pension shall be calculated in the same manner as calculated in the case of a Central Government servant retiring or dying, on the same day.

Explanation.- The emoluments or average emoluments for this purpose shall be based on the pay drawn in the public sector undertaking as per Industrial Dearness Allowance pattern.

(b) The pensionary benefits of such employee shall be drawn and paid in the manner specified in sub-rule (18) to sub-rule (26).

Sub rule (26)

Nothing contained in sub-rules (18) to (25) shall apply in the case of conversion of the Departments of Telecom Services and Telecom Operations into Bharat Sanchar Nigam Limited and Mahanagar Telephone Nigam Limited, in which case the pensionary benefits including family pension shall be paid by the Government.

78.2 Experience

DOT OM dt 18-7-2016 for BSNL : After employees got 78.2 fitment benefit actual from 10-6-2013, the same was given to pensioners also

4.The issue regarding revision of pension, FP of BSNL IDA Pensioners/Family pensioners who retired prior to 10-6-2013 has been considered by the Govt, and the following has been decided:

a. The pension/FP of BSNL IDA pensioners/family pensioners prior to 1-1-2007, may be revised as on 1-1-2007 notionally with acyual benefit w.e.f 10-06-2013 by adding together

i. existing basic pension/Fp including commuted portion of pension if any

ii. DR IDA @ 78.2 %

iii. Fitment weightage @ 30 % of the existing pension/FP and DR IDA thereon.

The amount so arrived will be regarded as consolidated pension/family pension w.e.f 10-6-2013

4.b

The pension/FP of BSNL IDA pensioners/family pensioners, who retired between 1-1-2007 and 9-6-2013, their pay may be revised notionally w.e.f 1-1-2007 by allowing the benefit of merger of 50 % DA/DR with Basic pay/Pension effectively amounting to 78.2 % IDA for the purpose of fitment, and consequential revision of pension on notional pay with actual benefit w.e.f 10-6-2013, at par with the serving employees of BSNL. However, these pensioners do not get actual benefit of increase in pay/ pension during the period between 1-1-2007 to 9-6-2013, and they would get increase in the amount of DCRG, leave encashment and commutation of pension on this account

16hrs 22-10-22 - R. PATTABIRAMAN

Oct 19 2022

A Letter to BSNL Pensioners

Dear pensioners

My respects to all. Hope you are doing well and in good health. As everyone, I was also eagerly waiting for the outcome of DOT's Meeting with Associations regarding pension revision on 17th Oct 2022. I have to salute the leaders for their steadfastness and tireless efforts to bring DOT to the negotiating table.

Leaders have gone all the way to Delhi, ignoring their age and health issues, their stay comforts and food availability. They had undergone these sufferings only for the sake of lakhs of pensioners waiting for their pension revision for the last many years.

Most of the Associations gone for the negotiation reported us that the outcome was positive to that extent on two major issues- acceptance of delinking from the pay revision and DOT is also not for zero percent fitment. On these accounts, all the associations are having near unanimity. I wish every success to the associations for steering the course further.

The difference is on the issue of 7th CPC or 3rd PRC. It is reported that DOT will take care of that including the issue of fitment. If the minutes of the meeting issued, we can infer the mind of DOT.

I am one amongst the pensioners expecting the benefit. I always appreciate the honest efforts of the leaders of the associations. But when I feel the confusion in the letters or Memo to DOT, I start writing about that not with any ill intention but to enrich the perception and understanding amongst the pensioners in common.

Interconnectedness is a very valuable element in human life. Even associations are formed to strengthen this aspect only. After Nakara Supreme court Judgment, this interconnectedness amongst the pensioners was strengthened treating the pensioners as a class.

My appeal is that by ‘this delinking’ the spirit of this interconnectedness existing today amongst the BSNL family should not be disturbed.

There are 3 major categories (Pre 2017, post 2017 pensioners and employees) having their interconnectedness till this date. This was established during the earlier pension revision after the pay revision of the employees in 2007. That pension revision was not automatic as that of Pensioners of Central govt. It was separately pursued and orders issued separately and not along with pay revision. This I agree.

But this para of DOT OM dt 15-3-2011 is showing us the interconnectedness. That is at the behest of wage revision; pension revision was examined and solved.

"2.The matter regarding revision of pension in respect of BSNL IDA Pensioners, who retired from 1-10-2000 to 31-12-2006, pursuant to wage revision in BSNL w.e.f 1-1-2007 had been under consideration of the GOI"

The 9 Associations demanding 7th cpc fitment factor for pre 2017 pensioners in their signed letter on 17-10-2022, placed the last para like this for post 2017 pensioners

“20. For post 2017 retirees, in view of no pay revision, their pension may also be multiplied by the same multiplying factor of 2.515 to avoid any anomaly in pension"

AIBDPA in their memo in para 7 demanded pension revision for 15 % as per 3rd PRC and also delinking from pay revision. In Para 9 they mentioned

“Regarding the possibility of anomaly to the post 2017 retirees, it could be settled by giving the same fitment notionally to them and the financial effect with the drawal of pension.”

They have placed NE pay scales the one proposed in the NE wage committee constituted by the BSNL- for the consideration of DOT for Pension revision to (NE) pensioners.

I come to know that BDPA and AICGPA also stood for 3rd PRC 15 % fitment I was informed that AICGPA placed the following specifics in their memo.

“ 3. We pray for 15 percent benefit as recommended by 3rd PRC

4. Minimum revised pension may be equivalent to the 50 percent of the minimum of the respective new scales. This was given in the last 2007 pension revision by DOT

5. As Executives have new scales as that of 3rd PRC, the new scales for NE need to be evolved for fixing the equivalent minimum”

About post 2017 pensioners AICGPA mentioned

“ 1. The benefit given to pre 2017 pensioners need to be given to to post 2017 pensioners also.

2. The date of effect for the benefit should be the same as that of pre 2017 pensioners.”

Those asking ‘delinking’ are damn sure that there will be no pay revision and so only they are asking

for post 2017 pensioners the benefit from a different date. Fortunately the Central Govt pensioners association demanded the same benefit from the same date for post 2017 pensioners. This is possible only when there is pay enhancement on that 1-1-2017 date.

I do not know why the ‘delinking demanders’ are presuming and announcing ‘no pay revision’ and with what authority they are saying so. As the old practitioners of TU Movement, we should repose faith on the present TU practitioners- they are also trying their level best to settle the issue of Pay revision, though they supported and placed

the demand of ‘delinking’. Let us wish them every success to settle their pay revision on the analogy of Pension revision either simultaneously or one by one thereby establishing the interconnectedness.

7th CPC fitment with delinking or 3 rd PRC fitment with delinking in both the methods, the established interconnectedness may be diminished. When we demand Pension revision from 1-1-2017 for pre 2017 pensioners then they may get the benefit from 1-1-2017 if DOT settled the issue.

But for post 2017 pensioners when we start demanding a ‘different’ ‘different’ dates (as the date of retirement of each is different) then loss of benefit for them will be there.. We cannot demand pension revision for them from 1-1-2017 because they were not pensioners on that date, but employees. They can get the same benefit of pre 2017 pensioners from the same date 1-1-2017 , if only their pay enhancement from that date is given (as employees on that date and later pensioners getting the name of post 2017 pensioners).

Different date and postponing their benefit means interconnectedness is disturbed. The ‘post 2017 pensioner’ means a person retiring even upto Dec 2026 and even beyond 2027 till 4th PRC or 8th CPC settled. Each ‘post 2017 pensioner’ will get a different date of benefit if the suggestion of associations is accepted. This may cause considerable loss to them. I wish this confusion need to be addressed by both the leaders and DOT officials.

Regarding ‘NE pay scales’ for Pre 2017 and post 2017 revision, I come to know AIBDPA, BDPA, AICGPA all demanded in that meeting and it seems that they got the reply that BSNL will be informed accordingly. I wish the recognized Unions of BSNL who are going to the negotiating table may take cognizance of this matter and push pay revision settlement as early as they can. MTNL NE may also get their wage revision committee, I hope shortly for starting negotiation.

This aspect of ‘NE Pay scales’ is important for Pension revision to get the minimum pension above the said minimum of Rs 9000. I hope this aspect also will be taken care of.

Let us hope for the best to establish the interconnectedness in order to avoid getting benefit at the cost of post 2017 pensioners.

12.30 hrs 19-10-2022 Affectionately yours Sir, R.Pattabiraman

oct 25 2022

An Appeal to BSNL Trade Unions

Respected comrades,

I was one amongst you some years back and an old practitioner of TUM . I may be known to some comrades and not known to many. I hereby prefer an appeal as I feel the urgency of the situation. The BSNL absorbed Retirees'

Associations are started telling that DOT has taken a policy decision of delinking Pension Revision from the Pay Revision. For me absence of Pay revision for pension revision means 'no pay revision' in today's context.

It seems from the slides of DOT that the Post 2017 pensioners pension will also be settled by means of an open ended notional Pay . This tantamount to say that for changing their pension fixed as per 2nd PRC to 3rd PRC scales, DOT need not to take any Pay Revision as it was done earlier in 2011 order or 2016 order.

DOT is having only Executive scales as mentioned by 3rd PRC/ DPE. If they approve it then they have scales for Executives. We do not know how without any Pay revision to Executives- the one need to be projected by BSNL afresh, DOT selectively approve the scales, date of effect, IDA merger points and any fitment in between zero to 15 percent.

It is up to DOT to settle the issue of pension revision whether taking all these issues or not, as DOT knows better the hindrances than me.

For NE there is no agreement as on date and so no authorized or Wage committee approved scales. Though some pensioners' associations are demanding and putting forth the NE scales discussed in the wage committee, BSNL needs an agreement to forward the same to DOT. Here also neither BSNL nor DOT can selectively take the pay scales alone from the wage agreement, if at all anything reached. They cannot bring an agreement on pay scales only without taking the overall issue of Pay Revision If DOT wants the scales of NE for Pension Revision - that is possible only if there is a wage agreement between BSNL management and the recognized Unions.

Recognized Unions are trying their level best in the reconstituted wage committee. The issue may be construction of scales as that of Executives calculated with the scope of 15 percent fitment. BSNL is objecting it on the plea of higher pension contribution to DOT. But in the case of Executives, it has to agree higher contribution as BSNL has no say on it.

If DOT is convinced getting assurance for one time exemption that is exemption to pay enhanced contribution till the date of issuance of DOT's approval for wage revision or

till the effective date of VRS that is up to Jan 2020, then that may cause the burden of BSNL lessened.

The next issue may be regarding the fitment percentage. This I think can be clinched by agreeing by the reverse linkage method. The fitment for wage revision may be as that of the one which DOT prescribes for pensioners for Pension Revision that is in between zero to 15 percent . We can demand quoting pension revision percentage and get the same. This may help us to clinch the issue.

The major issue is how to get exemption for the BSNL for wage revision from the DPE order.

DOT takes a shortcut bypassing this ‘seeking exemption’ route for carrying out the task of pension revision. No DPE guidelines are standing as a bar to pension revision of its pensioners to DOT. The only necessity for it is the need concurrence of DOE of MOF for meeting the further expenditure and approval of cabinet for implementation.

For amendment to 37 sub rule of 2021, for pension fixation on notional pay it needs DOPPW approval and that department is positive for the same.

As I see the things, I feel the task for unions become urgent to clinch the issue of wage agreement and sending the same to DOT as early as possible.

Pressing the DOT to take the issue of wage proposal of Executives to the Cabinet for logical conclusion, simultaneously with the issue of pension revision will solve the issue of interconnected ness (pre, post, employee) prevailing all along in the last 22 years in the BSNL and even earlier when we were all Govt employees. Even today the CPC through 7 th CPC maintained the interconnectivity between CG Employees and CG pensioners.

I appeal to the unions to consider my appeal. I always repose my faith on the leaders and in their wisdom. If pay revision is also settled on the analogy of pension revision that will protect the morale and welfare of all.

Sorry to bother you

With all comradely love

R.Pattabiraman

25-10- 2022 12 hrs

nov 12 2022

For the kind attention of BSNL Trade Unions

DOT is repeatedly informing the Associations of pensioners about the need of an amendment to 37A for delinking and pension fixation on notional pay . What Amendment is intended is not reported by anyone. Basically 37 A was brought into operation for the purpose of absorbed employees to get pension on govt formula and from govt in the case of BSNL.

The BSNL trade unions are the stakeholders with respect to 37 A. If any Amendment they should also be taken into confidence without keeping them in dark. They should know that the employees that are going to retire in future after any pension revision will get the same benefit as that of their earlier retirees even after Amendment with regard to the issue of Govt formula . Unions should think about this aspect and address the issue by not ignoring the implications if any..

Pattabi

23

dec 7 2022

Healthy Debate means No Losers

Debate is basically not to make somebody losers and in healthier debates all can learn from one another. I am an average on polemics and normally I avoid the same and also avoid any intention to hurt anybody in writings. The last piece of mine was felt little harsh and so in this write up I put matters straight to understand the stakeholders and the sides in a better way. Sorry to bother you all.

DOT has categorically explained its position on Pension Revision and denied fitment on 7th CPC basis. Even after this clarification, some leaders are harping on the same string without any valid, logical and legal argument, if we use their language. It seems to me they act only on the basis of their unfortunate theoretically taken position and thereby spoiling to some extent the already started negotiations as per 3rd PRC scales (date of effect, merger points of IDA etc).

The only issue that the pensioners are contesting as on today is the fitment problem. In this track, no CPC is being allowed; some leaders may be vociferous on 7th CPC again and again for the consumption sake but only in vain. They are also accepting if anything on 3rd PRC is given, we are going to receive it. But the spoken position is not reflected in the written resolution passed unanimously.

Unfortunately DOT the authority for notifying the scales of Executives is wantonly pushing the issue of fitment to the pavilion of BSNL. DOT is asking the scales of Non Executives only from the BSNL not anything about Executives, because BSNL is having no authority on that except implementing the DOT PO directives. Then in that case is it not the duty of DOT to fix the fitment of Executives and get its approval if necessary from the cabinet. DOT has already directed BSNL as the administrative ministry as per DPE that there should not be any conflict of interests between Non Exe with that of Executives. In that case BSNL negotiating committee is in a position to follow suit the mind of DOT only. DOT in Oct 17th minutes and Nov letter to associations exhibited its mindset. In these circumstances BSNL may feel the difficulty in agreeing any fitment other than ‘without fitment ‘ position taken by DOT.

If DOT moves the file with some fitment and BSNL following the same with recommendations by the wage committee then all the noises regarding the issue of pension and pay revision may settle down. I am not underestimating the difficulties of DOT, once it accepted some fitment, to push that case to the concerned ministries - especially from DOE and preparing draft cabinet note and seeking its approval. In the same way I am not denying the issue of financial burden of BSNL on account of Pay Revision when it is in the loss making mode.

Regarding BSNL wage Negotiation, if any recommendations arrived at by the committee then it will be a breakthrough. It is not a small thing to denigrate but a matter

for appreciation as it is breaking the existing DPE guidelines. If some extent good scales are found that avoid stagnation then what is the purpose of loitering and suffering in the old 2 PRC Scales- what is harm in jumping to 3rd PRC scales, if placing is assured and if it is even little advantageous and certainly not disadvantageous. If fitment issue is settled, then it will be good for all. Let us not miss the bus this time.

I have narrated many times some of the hurdles that are troubling me on seeing the demand of 7th CPC fitment. According to my understanding that this demand is not suitable in today's context as different types of stakeholders are involved in this process.

One is pre 2017 pensioners expecting pension revision from 1-1-2017,

Second is post 2017 pensioners expecting the already fixed pension on their date of retirement to be enhanced on account of pay revision from 1-1-2017

Third one is employees on roll on 1-1-2017 expecting 3rd PRC benefit from 1-1-2017 and still working and eligible for 37 A pensions

And the 4th one is DR employees on roll on 1-1-2017 expecting 3rd PRC benefits from 1-1-2017.

In all these 4 cases all are expecting their benefits only from 1-1-2017. On this date pension revision is possible for pre 2017 pensioners and for the other 3 cases they can get their benefits without discrimination only thro pay revision as per 3rd PRC.

Some leaders are repeatedly and wrongly quoting the issue of 37 (5) also by citing 1995 judgement. 37A came and introduced not by DOT but by DOPPW in 2000 after this 1995 only. This was again reiterated in 2012 37 A and 37 B also. Now at 2021 also the same provision is placed. Why the Claimers who are saying as per 1995 this provision is invalid are not contesting this in the court of law. While Com O P Gupta the great fighter for bringing 37 A read the same many times and sought many amendments, why no voice was there to seek the removal of that provision saying that the absorbed are no more Govt employees . When the vacated posts were also abolished, where were these voices..

Com O P Gupta tried on three occasions on linking the issue of CPC with the absorbed employees. One well before Corporatization- one as qualifying pay for pension and other the pay as monthly emoluments. Many of us opposed the same and the proposal was not materialized. On 2003 again com OPG mooted this idea on seeing a DOPPW order of 19-9-2003 and he got the reply that was not applicable to BSNL absorbed employees. Then on 3rd time he advised the leaders of NFTE during 6th CPC to pursue the link. But all followed and tried 2nd PRC only and so all his attempts did not fructify. This does not mean a new attempt by the present leadership should not be made. But today's context, it seems to me not possible and so only I am appealing all the concerned to go in one voice to achieve some fitment in 3rd PRC

When I say all these things, I request the concerned to weigh the merit of my arguments as I am having nothing personally against any leader/ leaders.

10.30 hrs 7-12-2022 R.Pattabiraman

Dec 29 2022

Call a spade a spade

Should I to intervene was the first question I asked on seeing the joint circular of some Pensioners Associations dated 26-12-2022 with the attached memo to be sent to DOT.

The memo is very precise but confused and so it necessitated this write up to clear the created confusion.

The attached memo is dated 17-1-2023 and so time is there. My intention is not to find faults but to set things right. If the associations read carefully, then there is a chance to correct the memo on their own terms but with correct understanding.

The operative para of the memo is very precise and it speaks

“We demand the basic pension on IDA as on 1-1-2017 be multiplied by 2.515 factor for pre 2017 retirees.

To avoid pension anomaly to those who retired after 1-1-2017, in the absence of pay revision, the basic pension on IDA of those retirees also be multiplied by the same 2.515 factor"

I have written a lot about DOT's/DOPPW's disagreement with the 7th CPC fitment factor. If need be I have to write more in this regard why that is not possible to accept that in today's context.

Pre 2017 cases

In this memo the leaders are clear about the demand of Pre 2017 pensioners and demanding multiplication of 2.515 of their basic pension as on 1-1-2017.Though in the earlier para 7th CPC is mentioned in this operative para, they have carefully avoided and spelt only 2.515 multiplied factor. Here their understanding is, there is no necessity of any pay scales for this, only the existing pension on 1-1-2017 is enough to revise the pension as per the demanded factor.

I have to appreciate to make their demand so simple by just telling only the multiplication factor as per their requirement and wisdom equivalent to that of 7th CPC CG pensioners.

Now let us see what the DOT is placing regarding pre 2017 cases. Zero % fitment may a controversy but one has to understand what the method DOT is suggesting.

"Pension of the pre 1-1-2017 retirees would be fixed by taking half of notional pay, as derived from merging their LPD with IDA as on 1-1-2017 and placing it with the scales

of 3rd PRC. It would be ensured that no notional pay such derived, be less than the minimum of the corresponding 3rd PRC scale."

Here one can see that DOT is considering 3rd PRC scales for arriving at revised pension on 1-1-2017 and with a safety clause that their revised pension is not less than the minimum of the corresponding 3rd PRC scale. This is the same as that of the assurance given during 2nd PRC pension revision by march 2011. These associations are missing this point while placing the demand in the above Memo (17th Jan 2023). They areso allergic about 3rd PRC, the one close to reality.

Post 2017 cases

Here the said associations are demanding “To avoid pension anomaly to those who retired after 1-1-2017, in the absence of pay revision, the basic pension on IDA of those retirees also be multiplied by the same 2.515 factor”

See they use ‘ also’ . Unless Post 2017 pensioners existing as on the date and future pensioners going to come till 2026 December, even beyond that understand their issue properly, they cannot get even a justified demand from these associations.

For Pre 2017 Pensioners these associations are placing their demand from 1-1-2017 but for Post 2017 pensioners they confused by demanding different dates for different pensioners. Read the memo carefully, then only you post 2017 pensioners can understand the confusion. What the demand of the association is –revising your pension on the date of your retirement. Where is the question of revising your pension on the date of your retirement (that is for post 2017 pensioner). The question for you is fixing pension on your retirement as per 37 A. You are eligible for getting your pension fixed only on the date of retirement as per 37 A. Where is the question of multiplying your pension fixed on your retirement and which rule of 37 A is allowing to fix your pension in such a way with multiplication. So the associations are having utter confusion while framing the demand of Post 2017 pensioners.

So these associations are not demanding benefit to You post 2017 pensioners from 1-1-2017 and are not demanding any amendment in 37 A to fix your pension with any multiplication factor on the date of your retirement. Beware you are eligible only fixation of pension on the date of retirement and any change in your fixed pension is possible only if your pay is changed from 1-1-2017. Understand, the demand of these associations is very confusing one.

Fortunately DOT is giving better methodology than these Associations regarding post 2017 Pensioners. They are proposing the benefit with effect from 1-1-2017 unlike these associations which are postponing the date of effect differently to different pensioners and spoiling uniformity in the date of effect. But in DOT’s proposal controversy is there regarding zero fitment and notional Pay PPO.

Read carefully the proposal of DOT " Pension of Post 2017 retirees would be fixed by taking half of notional pay, as derived from merging their Basic pay as on 1-1-2017 with IDA as on 1-1-2017 and placing it with the scales of 3rd PRC and subsequent updation of such notional pay by way of annual increments/ promotional increments/ stagnation increments if any till one's retirement. However, it would require relaxation in Rule 37 15 a of CCS pension rules 2021"

DOT is honest in bringing YOU the Post 2017 Pensioners the benefit from 1-1-2017 and they are honest also in telling for their proposed methodology of notional pay pension fixation on your date of retirement, they need an amendment in 37A (the new 37 of 2021 rules). They are ready to take notional pay with all the subsequent updation of such notional pay like annual increments, promotional increments etc. But these associations are missing this point and thereby making you losses by demanding benefit only from thedate of your retirement differently to different pensioners and not uniformly from 1-1-2017.

I hope I tried my best to point out the confusion prevailing in the demand of these associations in their Memo and I will be thankful, if the associations take the same in good spirit and correct the memo accordingly.

I have discussed here mainly about the methodology of Pension revision for pre 2017 and fixation of Pension for Post 2017 by reading carefully the DOT’s presentation not about 7th CPC fitment factor.

11.30 hrs 29-12-2022 - R Pattabiraman

2023

25

Jan 10 2023

Understanding the issues: Delinking- Applicability- Incorporation

Delinking

BSNL Pensioners' Associations are in the hilarious mood and proud about their singular achievement of Delinking Pension Revision from Pay Revision of the Employees of that PSU.

There are 3 trends of focus on demands. Let us see one by one.

Some Associations are demanding delinking from Pay Revision of BSNL but linking Pension Revision from 3rd PRC elements like date of effect 1-1-2017, IDA merger Points 119.5 % , 15% fitment. There is no confusion in their demand. For Post 2017, their demand is notional pay as on 1-1-2017 and as per 3rd PRC. The only question is about whether 'notional Pay PPO' is equivalent in merit to that of 'Last pay drawn PPO'.

The other issue is if there is any pay revision on the basis of 3rd PRC in any day in future, how these PPOs will be corrected. DOT is silent about this, though they are responsible for Executive Pay Revision.

Second Trend : Some other Associations are demanding delinking from Pay Revision of BSNL but linking Pension Revision from some 3rd PRC elements like date of effect 1-1-2017, IDA merger Points 119.5 % and again another linking of the element 2.515 fitment with 7th CPC. Here in their demand one can see double linking of elements both from PRC and CPC. If 7th CPC is not possible, then they are ready to go to 6th CPC linking 2nd PRC date of effect. This seems to me vague. Though they are ready to go to 6th CPC fitment from 1-1-2007, they are silent what to do for the earlier period IDA fixation from 1-10-2000 to 31-12-2006. If they are ready to go to CDA from 1-10-2000, it has its major impact on the quantum of Pension that the BSNL absorbed pensioners are getting today.

Their demand for Post 2017 is a loss making one and having discrimination in date of effect. For pre 2017 they want 1-1-2017 and for Post 2017 they postpone the date of

effect to different dates to different pensioners creating confusion and bringing loss to them.

The third trend is very small one crying for simultaneous Pay and Pension revision from 1-1-2017 as per 3rd PRC. This people failed to impress upon DOT to move the note sheet in favour of this simultaneous advantages of all sections having interconnectivity.

The BSNL Trade Unions are also agreeing the demand of delinking Pension revision from pay revision and at the same time Non Executive Unions are struggling for Pay revision in their wage Committee. They are reporting that BSNL has sent the Pay scales to DOT but after this BSNL is not interested to hold wage committee meetings. It seems that Executive Associations are not in the picture at all and there is no pressure to DOT from their side for any Pay revision as per 3rd PRC.

The mind of DOT in delinking is clear. They use this phrase also. That is ' In the absence of Pay Revision'. In the name of delinking DOT is considering Pension Revision linking it with 3rd PRC elements like date of effect 1-1-2017, IDA merger Points 119.5, 3rd Pay Scales of Executives and BSNL sent scales of Non Executives. The one element they are deviating from 3rd PRC is nil or zero % fitment. DOT is pro active on Post 2017 pensioners issue and ready to consider notional pay on 1-1-2017 as per 3rd PRC scales, the same date of effect and benefits as that of Pre 2017.

DOT is utilizing the loopholes ‘absence of any guidelines’ for Pension Revision for the BSNL Absorbed employees.

The above is today’s picture how delinking is viewed by different stakeholders differently

II Lest We forget

CPC is basically set up for recommending Pay Revision of Central Govt Employees and Pension revision of Central govt Pensioners retired as employees of Central Govt.

PRC is set up for recommending the Pay scales of PSU Executives.

On absorption in the BSNL PSU, due to wonderful efforts of com O P Gupta of NFTE and with the cooperation of FNTO leaders, BSNL absorbed employees from DOT got a special provision in the 37A that they will get the pension from the GOI. Though loosing Govt Employees status, we were given that special provision of getting pension from the GOI instead of from any Pension Trust. The other important provision on that is ‘as per Govt formula’.

37 A is basically for fixation of Pension and disbursement of Pension by GOI. The formula accepted is only for fixation of Pension and Retirement Benefits of the absorbed employee with that of CG employee retiring on that date . It is basically an

assurance for comparison between the Absorbed and CG employees than any comparison between two types of Pensioners.

III Applicability And Incorporation

I begin here with the DOT OM given below issued for the applicability of 7th CPC to BSNL absorbees. This applicability was made only partially. This is for the post 2016 employees retiring from 1-1-2016. For 'Applicability' normally they gave the same date of effect 1—1-2016 but for 'incorporation' of certain other provisions of 7th CPC they may give the date of effect from 1-1-2017.

DOT's OM dated 16-3-2017 speaks about Implementation of 7th CPC recommendations:

Applicability to the BSNL MTNL absorbees opting for pension for combined service governed under Rule 37 A 0f CCS PR 1972. This applicability is consequent to 7th CPC w.r.t DOPPW's OM No. 38/37/16- P& PW (A) (i) dated 4-8-2016.

para 2 of that OM

The rates for payment of death gratuity shall be revised as per para 6.1 of DOPPW O M 38/37/2016- P&PW (A) (i) dated 4th Aug 2016. The maximum limit of Death/ Retirement Gratuity shall be Rs 20 lakh w.e.f 1-1-2016.

3rd Para of the OM is important

"There is no change in the formula for Pension/FP w.e.f 1.1.2016. BSNL/MTNL absorbee employees will therefore continue to get pension based on the same formula"

Para 4

There will be no change in the provisions relating to commutation of Pension. In this way that OM cleared the issues related with 'Formula'.

In the above OM they have made change of ceiling of Gratuity only applicable to the absorbed as per 7th CPC. The date of Implementation is 1-1-2016. But other provision is not extended to us, as they cannot provide them. They may incorporate linkage of IDA for enhanced Gratuity as that of 6.2 once they issue Pension revision order.

Another para 6.2 is there and that is not made applicable to us by this 16th March order because our IDA is not changed to 3rd PRC pattern.

6.2 The maximum limit of Retirement gratuity shall be Rs 20 lakh. The ceiling on gratuity will increase by 25 % whenever the DA rises by 50 % of basic pay. DA linked portion is not coming automatically as Applicability. It will be incorporated later when they issue any pension order.

The provision for Minimum and Maximum Pension para is also not made applicable to us.

5.2 The amount of pension shall be subject to a minimum of Rs 9000 and the maximum pension would be 50 % of highest pay in the Govt (the highest pay is Rs 2,50,000 w.e.f 1.1.2016)

This will also get incorporated when they issue Pension revision order.

The above quoted DOPPW OM is issued for Post 2016 retiring CG Employees. And so applicability or incorporation would be accordingly done by DOT.

IV 7th CPC OM

The Pension revision OM issued for Pre 2016 is DOPPW/38/37/2016- P&PW (A) (ii).

4.1 of this OM speaks about 2.57 multiplication factor

"4.1 Existing pensioners, who have retired before 1-1-2016, the revised pension/FP w.e.f from 1-1-2016 shall be determined by multiplying the pension/FP , as had been fixed at the time of implementation of 6th CPC , by 2.57. The amount of revised pension/FP so arrived at shall be rounded off to next higher rupee"

Those demanding this 7th CPC factor on IDA (as per 3rd PRC) and from 1-1-2017 (as per 3rd PRC) is missing the intricacies of old sub rule 8 of 37A which compares only amongst employees of absorbed in PSU and CGE retiring on a particular date.

There is no provision for applicability of fitment or multiplication factor comparing CG Pensioner and Combined service BSNL IDA Pensioner. As on date there is no provision in old 37 A or new 37 of 2021. This does not mean a new amendment should not be made. But amendment on ‘what sub rule and where’ is the question that we need to ponder. The impact on the existing 37 A absorbed employees also a question needs to think over.

The basic understanding that we are missing on 37 A or the present 37 of 2021 is- it is essentially for fixing pension on a particular date for the employees becoming pensioner not for the existing pensioner for any pension revision.

V DOT Proposed Amendment

The ROD of 17-10-2022 with the Associations speaks about the need of amendment on this 37 (15) (A)

" The Official side explained that for paying pension on notional basis amendment in pension rule 37 (15) (A) is required to be made by nodal Ministry.."

As per the PPT presented on 17-10-2022, the observation of DOPPW on this issue is

"The question of relaxation of rule 37 (15) may be considered as and when the need arises for allowing the pension fixation based on notional pay"

That is if the amendment is accepted and inserted in 37 of CCS 2021 in Rule 15, then the ‘similarity position with the CG employees retiring on that day’ guaranteed all along since 37 A of 2000 is going to be derailed in the name of delinking pension revision from Pay revision. Fixation of pension will be on notional pay for the absorbed employees retiring (post 2017) on a particular date while CG employees retiring on that date will get as that of emoluments actually drawn.

This they want to do for the sake of delinking Pension revision for the Pre 2017 pensioner who all enjoyed that benefit of old rule 8 of 37 A and the present 15 A of 37 of 2021. Pension revision at the cost of entire post 2017 employees who are all retiring till 2026 and going to continue beyond 2026.

If at all any benefit of Pension revision on 3rd PRC scales with fitment or without fitment is given w.e.f 1-1-2017 , the full benefit of that will be given to Pre 2017 pensioners from the day one. But in the case of Post 2017 the benefit will be from different dates as the retirement date varies and they can enjoy the benefit only after their date of retirement, if it is settled as demanded by some associations who are all sending memo with a wrong demand.

If an employee of BSNL retires in dec 2026, his benefit on pension will be after his retirement date because of absence of Pay revision. He has to loose in the entire period 2017-2026.

Fortunately DOT is aware of this issue and so only coming forward to settle that issue with notional pay PPO.

It is my bounden duty to point out what I feel discrimination and disadvantageous to one section - the post 2017 section. They are very much part of BSNL family either by 37 A or in other way as DR Employees.

13 hrs 10-1- 2023 - R Pattabiraman

jan 19 2023

An Appeal To DOT

I come to know another set of associations are contemplating to go on the path of agitation by Feb 2023 , if things are not cleared favouring Pension Revision by DOT . These associations are demanding pension revision in the absence of pay revision and on the basis of negotiations held already but with a fitment of 15 % as that of 3rd PRC taking into PRC scales. They are demanding benefits of both pre 2017 and post 2017 pensioners from the same 1-1-2017 date.

One set of associations had already conducted their agitations and reported that it was massive and pensioners participated enthusiastically in spite of their age and health problems. These associations conducted their struggle for their demand of 7th CPC fitment 2.515, a kind of derivative demand on their own accounting method, where as the 7th CPC fitment is 2.57. These associations are also demanding different dates to different pensioners retiring on or after Jan 2017 and postponing the date of benefit to post 2017 pensioners while demanding the benefit from 1-1-2017 for pre 2017 pensioners.

DOT Officers convinced themselves to do pension revision as the department responsible for the issues of pension , in the absence of pay revision, and though in the absence any specific guidelines for pension revision in the 3rd PRC or in the 7th CPC to the BSNL absorbed pensioners.

Dot took the initiative and is offering pension revision on IDA merger with nil fitment. It is also assuring that if any fitment benefit given by BSNL to its employees, then DOT would consider the same to the pensioners also. This position of DOT is unfair, as DOT is the authority to notify the Executive wage revision.

DOT is not moving beyond this written position, but internally it is doing homework with various agencies , may be for implementing the possible solution and taking the affordability of BSNL.

If DOT meets all the associations of pensioners and speaks its mind and position honestly about fitment enriching further the track of negotiations halted at present, then that will settle all the dust .

If DOT comes out openly with the possible fitment and report the same to the associations, pacifying them to cooperate with patience till the cabinet approval is sought for the said pension revision in the absence of pay revision with the said fitment w.e.f 1-1-2017 for both pre and post 2017, then lakhs of pensioners may understand the process , give their tacit approval and appreciate the action of DOT.

I hope DOT may listen this appeal and associations take this in proper spirit.

16 hrs 19-1-2023 R.Pattabiraman

Jan 30 2023

Facts are three-fourths of the Law

DOPPW DESK- D and DOT's Proposals

In this piece I have given DOPPW DESK- D Paras signed dated 21-9-2022 relevant to Pension revision and Pension fixation. In the second Part, I have given the Proposals of DOT thro PPT presented to the Associations for Pre and Post 2017 and requirement of NE pay scales. In the third part I have given my sum up of both DOPPW DESK-D and DOT's Proposals and need of further enrichment.

Part 1

• DOPPW No 4/19/2022- P & PW (D) DESK- D (signed dated 21-9-2022)

Para 9 (speaks about the DOT's proposals about Pension revision for pre 2017 and determination of Pension fixation of Post 2017 and linking fitment with BSNL Pay revision)

"DOT has proposed that in the absence of any benchmark for revision, the benefits of 3rd PRC may be extended to the Pensioners by merging the basic and IDA/DR as on 1-1-2017 with NIL fitments factor, and placement in the revised Pay scales of the 3rd PRC. This would ensure that the Pensioners are not placed below the minimum of 3rd PRC scales.

Further as and when 3rd PRC is implemented in BSNL/MTNL the same fitment factor may be extended to all the pensioners

Para 9 For POST 2017

"DOT has proposed that for removing anomalies vis a vis post 1-1-2017 pensioners, the pension of post 2016 pensioners shall be revised on the notional pay derived after merging the basic with IDA as on 1-1-2017.

Subsequent pay updations by way of promotions, annual increments etc will be calculated on notional basis till his retirement for post 2017 retirees.

In this case PPO shall be prepared not on the basis of last pay drawn, but on the basis of notional pay so derived.

Hence the anomaly regarding the past pensioners getting more pension than the freshly retired pensioners would be addressed

However this will require amendment/ relaxation of rule 37 (15) of CCS Pension Rules 2021, which stipulates that amount of Pension would be 50 % actual emoluments or average emoluments, whichever is beneficial to employee "

Para 15 (speaks about DOT is the best Judge to decide fitment and DOPPW has no objection on the proposals of DOT)

“DOT being the administrative ministry for BSNL is in the best position to make a realistic evaluation of all the relevant aspects and to decide the fitment benefit to be given to the pensioners for revision of their Pension.

In view of this and also keeping in view the fact that the proposal of DOT is likely to result in only 5 % additional financial liabilities, DOPPW may not have any objection to the proposals in Para 9 above.”

Para 16 (speaks about determining pension for post 2017 and for this consideration of amending rule 37 (15))

“As regards the contention of DOT, that their proposal for determining the pension of those who retired on or after 1-1-2017 based on their notional pay in the zero % fitment benefit as proposed would be at variance to the provision in rule 37 (15)- which provides fixation of pension based on actual pay drawn at the time of retirement, the question of relaxation of rule 37 (15) may be considered as and when the need arises for allowing pension fixation on notional pay”

Part II

DOT PPT dated 17-10-2022 to the Associations of Pensioners “How Pension of Pre 1-1-2017 retirees would be fixed?

Pension of the Pre 1-1-2017 retirees would be fixed by taking half of the notional pay, as derived from merging their IDA on 1-1-2017 with LPD and placing it with the scales of 3rd PRC.

It would be ensured that, no notional pay such derived be less than the minimum of the corresponding 3rd PRC scale. It would also be ensured there will be no loss in notional pay on account of bunching pay”

How the Pension of Post 2017 retirees fixed?

Pension of Post 2017 retirees would be fixed by taking half of notional pay, as derived from merging their Basic Pay as on 1-1-2017 and placing it in the scales of 3rd PRC and Subsequent updation of such notional pay by way of actual increments/ promotional increments/ stagnation increments if any till one’s retirement. However, it would require relaxation in rule 37 (15) (a) of CCS Rules 2021.

For Non Executives

Pension of Non-Executives would also be required to fix in the similar way of that of Executives. However for the purpose of placing notional pay in the 3rd PRC Non-Executive Pay scales would be required to be finalized by PSUs

Part III

The speaking facts:

As per DOPPW DESK D signed dated

a. DOPPW considered the Proposals of DOT on the basis of 3rd PRC

b. DOPPW is having no objection over those proposals

c. DOPPW is agreeing that DOT is the best Judge for deciding fitment

d. For Post 2017, if any amendment in 37 (15) rule is needed that will be considered as and when the need arises

As per 17-10-2022 Proposals of DOT

a. Proposal is on the basis of 3rd PRC scales with NIL fitment

b. For Post 2017 , 37 (15) rule amendment requirement is there

c. Non Executive scales are needed for their pension revision for pre 2017 or pension fixation for post 2017

The factors that are troubling and the need to go beyond the position of DOT are:

a. DOT is not contemplating any Pay revision for Executives and thereby it has its own impact on Non- Executive Pay revision, as affordability clause issue is there

b. DOT is assuring the same fitment if any done by BSNL as per 3rd PRC in future and thus linking the fitment factor with Pay Revision.

c. DOT is in a mood to take and notify Executive Scales of 3rd PRC and is in the requirement of Non Executive scales from BSNL

d. BSNLEU GS com Abhimanyu is reporting that as per his knowledge no NON Executive scales were sent to DOT by BSNL.

e. If no NON- Executive scales are sent and if DOT and BSNL fail to notify Pay scales in the absence of Pay Revision, then more delay is unavoidable for Pension revision

f. Fighting out NIL fitment is the biggest issue for both the associations of Pensioners and Unions of Employees and executives, as these employees and Executives are the future pensioners

g. Every month delay causes more loses to both pre and Post 2017 pensioners, as already DOT is in a mood for notional fixation only that means no arrears since 1-1-2017

11hrs 30-1-2023 - R . Pattabiraman

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Marc 3 2023

An Appeal to GS AIBSNLPWA

Com SSG of Kovai sent me the pdf copy of the issue of Pensioners Patrika March-April 2023.

I have carefully gone thro the 'GS Writes ' column in that issue. I should wish him and congratulate him as I am reading this as his first write up. He might have written earlier also, but this one is the first write up coming to my notice..

In that GS com Varaprasad writes the following and questioning the relevance or necessity of Non-Executive Scales.

" We are unable to understand the need for seeking the pay scale after delinking pension revision with pay revision . Pay scales become relevant only in the context of pay revision. So linking pension revision with pay scales is nothing but a 'cloak and mask' method to link pension revision with pay revision"

Further GS reiterated the demand of fitment on the basis of 7 th CPC viz. 14.55 % and preferred an appeal to other associations to drop their demand of fitment as per 3rd PRC viz. 15 %. Nothing wrong to prefer an appeal for the unity of the good cause of the welfare of the BSNL absorbed pensioners.

I am unable to understand how the GS is telling about the non relevance of Pay scales for deciding pension revision and so I place my understanding regarding the issue and an appeal.

When DOT spelt the pension revision in the absence pay revision, there itself DOT presented (on Oct 17th meeting) its methodology of revising pension to pre and post 2017 pensioners by taking 3rd PRC scales.

If pay scales are needed, then the question for Non Executive pay scales was raised and DOT clarified that the same would be obtained from BSNL. Officially it is not yet coming to light whether DOT obtained the same or not , without any joint recommendations of both the unions and the BSNL management.

Why DOT is in need of pay scales even though no pay revision is contemplated? Unless we deconstruct and bring sense to this question by getting the proper answer, it is difficult to understand the issue of pension revision in the absence of pay revision.

Basically all along for CG pensioners, their pension revision is linked with the pay revision of CG Employees on the basis of CPC with relevant terms of reference for both pay and pension revision. In the case of 7th CPC also the same pattern was followed- pay revision and pension revision and option is also given in the 12-5 2017

order regarding utility of pay matrix to the pre 2016 pensioners that is the pay matrix of post 2016 - the employees.

In our case during 2nd PRC there was no issue, though delayed our pension revision was done linking with pay revision and so the Pay scales of 2nd PRC.

Now DOT is actively considering the issue of pension revision in the absence of pay revision (also in the absence any guidelines for pension revision or any recommendations of either CPC or PRC). But DOT understood the issue of anomaly, a specific query from DOPPW in the case of absence of any pay revision, and came out with a solution and presented the same to all the associations.

The zero percent fitment was opposed by all in the 17th oct meeting and it seemed no ill feelings there on the proposed methodology taking the scales of 3rd PRC.

The main question we need to understand is the date of effect - it should be from 1-1-2017 for both pre 2017 pensioners and post 2017.

Pension revision is possible for pre 2017 pensioners on that 1-1-2017 but all the post 2017 pensioners were employees only on that date. If that is the case, how the anomaly created by pension revision of pre 2017 pensioners in the absence of pay revision can be solved for the post 2017?

This complex question was addressed by DOT and they arrived at a solution - the anomaly can be solved for post 2017 pensioners by changing their existing 2nd PRC PAY in the second PRC scales into PAY in the 3rd PRC scales on 1-1-2017 by notional pay fixation with subsequent increments etc. DOT is willing to do these things without pay revision and it suits to DOT.

This (virtual) notional PAY change in 3rd PRC scales with subsequent benefits will travel parallelly till the last pay drawn in the second PRC pay- till that post 2017 employee retires as pensioner. His Pension will be fixed on the basis of that (virtual) notional pay of 3rd PRC instead of the last pay drawn of second prc, and PPO will be written accordingly. As there is no pay revision, BSNL is not going to bear any burden for this notional new pay from 1-1-2017.

For post 2017 pension if any pension already fixed as per Pay of 2nd PRC, then that would be changed as per 3rd PRC PAY and scales. DOT should issue appropriate order for pension revision and guidelines for this to the BSNL also, and if an amendment in 37 A is needed for this, the same should be issued by DOPPw.

The above is my understanding and so only , in today’s context and situation the demand of 7th CPC fitment or 7th CPC scales are not possible. If at all any solution to the issue of pension revision can be, that can be only on the basis of 3 rd PRC scales and fitment. The pre 2017 ‘pension revision’ fate is greatly linked with post 2017 and their change is possible only with the change of PAY only.

There can be a day in which no post absorbed pensioner will be available, then in that context things and perception may change. Till that date the interconnectivity of all 37 A absorbed pensioners may haunt us all.

Kindly take heed of my humble understanding and put an end to the controversial demand of 7th CPC fitment and 7 th CPC scales in today's context to build broader unity with all the associations to improve the track of negotiations already gone.

18 hrs 3-3-2023 - R. Pattabiraman

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mar 19 2023

March 19th, 2023 today evening, some pensioners' Associations are meeting at Delhi to assess the status of pension revision and taking the stock of the situation. I wish them success.

According to me two essential points are to be taken care of..

1. For Pension Revision, Executive scales are open and everyone knows that. But regarding Non Executives, the scales if any obtained by DOT from BSNL should be revealed by DOT without keeping that in suspense. This should be emphasised when Associations meet DOT Officials.

DOT may feel industrial relation is an aspect when there is a question of Pay revision only in the BSNL. DOT if it feels strongly, getting the pay scales of NE from BSNL is not against Industrial Relation (in BSNL) for the sake of pension revision, then they should not keep the scales (if any obtained) in silence. That should be revealed.

2. DOT may comtemplate the quantum of fitment with due consideration of capability of BSNL if any in a future date about the Wage revision of its employees. The quantum that BSNL can afford in a future date would be today's fitment- that DOT is aiming. This understanding will help us to clinch the issue without further delay.

Some may differ my projection of this reality. But understanding on the basis of reality and limitation is not weakness.

11 hrs 19-3-2023 -R.Pattabiraman

march 30 2023

Issue of Pension Revision

As on date there is no guidelines for pension revision for those absorbed in PSUs, getting pension as per 37 A that also from GOI.

This shortcoming was felt during 2011 when done w.e.f 2007. This time also the absence of any guideline is felt and so the inordinate delay is going on for pension revision to all those retired from BSNL.

Unless DOPPw felt the necessity of issuing guidelines for pension revision to all these absorbed pensioners, getting pension from GOI, the issue would not be resolved in future also without witnessing delay.

In this scenario, demanding DOPpw to issue proper guidelines to the above said category only solves and stands as a permanent solution for the future pension revision.

30-3-2023 R. Pattabiraman

Ap 19 2023

Six Associations and seventh CPC Fitment

{An Appeal to BSNL Post 2017 Pensioners and For the consideration of Pre 2017 Pensioners)

| happened to go thro a letter addressed on 17th April, 2023 by a Committee of 6 Associations, and that caused me to write this appeal. This one is for the consideration of Pre 2017 pensioners and requesting Post 2017 pensioners to understand the following for their benefit. A recap of history with some relevant questions is given below.

It seems to me the Committee is seriously straining to settle the issue on 7th CPC fitment and it is attributing that as reason for permanent solution of future pension revisions also.

History

There is no 'Central Commission" having nomenclature with the wordings either 'pension' or 'pension revision'. It is only 'Central Pay Commission' and as per the terms of ref for CG Employees and Pensioners they are getting the recommendations of the same CPC on Govt order. On a particular date as recommended by CPC (say 7* CPC w.e.f 1-1-2016) CG employees getting their pay revision, CG pensioners on that date getting pension revision on the concept of modified pay parity .

We were all in that category upto 5th CPC. On 1-10-2000 Govt made a break and we were all absorbed in BSNL as per newly created '37 A rules' , amended in the 'Pension Rules' specially for this kind of conversion to PSUs. This one was done only after a great battle of employees and fine wisdom of com OP Gupta who led that struggle.

The break from CG employees and becoming BSNL absorbed employees were compensated by agreeing to give Govt pension from the Govt budget allocation with the Govt pension formula. This clause was peculiar to BSNL alone thereafter extended to MTNL by 2014, now offered to Ordinance factory employees.

The role played by com Gupta in getting the relevant interpretation to Sub Rule 8 was commendable. That was only helping us to get 6th and 7th CPC changes pertaining to pension, gratuity, commutation, qualifying service, emoluments. In that formula CPC fitment for fixation of pension is not coming. 37 A is only for fixing pension related issues. If coming under applicability, then date of effect is the same that of CPC (say 7" CPC w.e.f 1-1-2016) - and if incorporated then date of effect from the PRC (say 3" PRCw.e.f 1-1-2017).

When we got our pay revision again within 4 years after 5 th CPC and fixing ourselves with first PRC scales in oct 2000, there was no question of any parity felt by our

employees till the date of 30-39-2000, as we were separated from CG Employees class. | stop the old history here.

Now some relevant questions to understand ‘Pension Revision’ in today’s context .

Is there any recommendations/ Rules for Pension Revision for those absorbed in BSNL?

A grand ‘NO’ is the answer.

Can Pension Revision be considered for Pre 2017 pensioners without taking the implications of Post 2017 Pensioners?

NO. On a particular date(say 1-1-2017) they cannot be delinked as per Nakara 1982 case. There is interconnectivity

Can there be any other date of effect for post 2017 other than 1-1-2017?

No it cannot be. They will also get the same date of effect only (that is 1-1-2017)

How the post 2017 pensions get their benefit if we demanded 7 th CPC?

No. It is not possible as the 7th CPC fitment and scales are not compatible with the PSU employees. They were in the second PRC scales on that date(1-1-2017). They can be shifted to 3TM PRC scales only

Whether post 2017 employees pension {based on 2" PRC) can be modified without changing their pay on 1-1-2017?

No, not possible. If they need to get the 2TM PRC fixed pension changed, they need ‘pay change’ on 1-1-2017 thro 3 PRC scales.

How can a pay change possible without any pay revision for post 2017 pensioners?

This was the botheration of DOT and DOT accepted the demand of delinking pension revision from Pay Revision as it suits DOT better. The Associations were detailed about the fixation method for Pension revision by PPT on Oct 17th. The issue was zero percent fitment. It seems that DOT has taken 3rd PRC IDA merger points, Executive Scales and obtained NE scales from BSNL and calculated the estimated expenditure.

What is the present proposal of DOT for post 2017?

On 1-1-2017 the benefits will be given and that new pay will travel notionally { parallel with BSNL 2" PRC) taking all the relevant increments on its way without any loss and will land on the person retiring on his date of retirement (any date in post 2017) to fix his Pension. The last pay drawn travelled in BSNL

2nd pRC will become silent on that day, and this notional pay travelled all along will get its light and so Pension fixation on notional pay. For this they need amendment in 37 A.

| hope that | have narrated the issue as per my understanding and | do not say so ‘just because DOT is refusing 7 CPC’, but because of the concern about interconnectivity and inter relatedness of all those absorbed in BSNL through 37 A.

It is upto Post 2017 employees/pensioners to understand the issue with the help of pre 2017 pensioners and bring appropriate changes in their adopted resolutions of their respective (six) associations and | hope all can travel together to get some fair pension revision to the extent possible on improving the track travelled by DOT for both Pre and Post 2017. Best wishes to all.

11 hrs 19-4-2023 - R. Pattabiraman

ap 27 2023

Pension Revision and Non Executive scales in BSNL

My sleep was disturbed yesterday night when my mind was regurgitating a question about post 2017 Non Executive pensioners.

DOT has somehow managed , of course with all their prudence to take up the issue of pension revision w.e.f 1-1-2017 to all those absorbed 37 A BSNL pensioners before that date. When that is to be done, DOT felt the need of solving the inter connective issue of post 2017 .

How to solve that issue when there is no pay revision is not only mere an anomaly question but a challenging one also. Somehow DOT found a solution in the name of fixing pension on notional Pay on 3 rd PRC scales- PPO instead fixing pension on the last pay drawn in the scale of second PRC.

For Executives , DOT expressed its idea of taking the uniform DPE scales of 3 rd PRC. When associations questioned about Non Executive pay scales, as there is no settlement as on date with the unions, DOT convinced them that they may get the scales from BSNL. As told, DOT might have got NE scales also from BSNL. This was confirmed by one union.

The question that is disturbing me is how DOT can take NE scales without public notification of the BSNL. If BSNL is to notify the same publicly, there should be some joint recommendations of both the management and Unions. As on date, no such joint recommendations is found , and unions are not giving their consent for any approved scales.

Whether it is possible by the BSNL , for the purpose of post 2017 pension anomaly , to issue any notification for NE scales without any pay revision agreement or pay scales agreement with the unions? Whether DOT has any right to fix any scales for pension fixation of post 2017 Non Executives without such public notification is a matter to be questioned and thought of..

It is high time that unions and Associations take this call by addressing the question and bring to light if at all any scales , then what is that scales DOT is taking for notional pay fixation from 1-1-2017 for the post 2017 Non Executives.

When even DOT’s note sheet itself is not secret and very much available, keeping that scales secret by the authority is unfair . Executive scales are known to everybody , but what is the status of the NE scales?

27 th April , 2023 15 hrs R. Pattabiraman

May 12 2023

DOT agreed Pension Revision demand as per 3rd PRC scales but not considered 7th CPC fitment demand- Placing of DOT's Position as said …

As per their PPT presented to the Associations on 17th Oct 2022 regarding fixation

How Pension of Pre 1-1-2017 retirees would be fixed?

Pension of the Pre 1-1-2017 retirees would be fixed by taking half of notional pay as derived from merging their LPD with IDA as on 1-1-2017 and placing it with the scales of 3rdPRC.

It would be ensured that, no notional pay such derived be less than the minimum of the corresponding 3rd PRC scale.

How Pension of Post 1-1-2017 retirees would be fixed?

Pension of Post 2017 retirees would be fixed by taking half of notional pay as derived from merging their Basic pay as on 1-1-2017 with IDA as on 1-1-2017 and placing it with the scales of 3rd PRC and subsequent updation of such notional pay by way of annual increments/promotional increments/ stagnation increments (if any) till one's retirement.

However, it would require relaxation in Rule 37 15a of ccs Pension Rules 2021.

How Pension of Pre 2007 retirees would be fixed?

Pension of such pensioners would also be fixed in a similar way as statedin slide 3 that is..Their Last Pay before 1-1-2007 would be notionally fixed as per norms of 2nd PRC and subsequently notional pay of 2nd PRC would further be again notionally fixed as per 3rd PRC scales.

Applicability of multiplying factor 2.515 (32%) at par with CG pensioners?

BSNL/MTNL absorbee Pensioners get pension by Govt as per rule 37 A, as a special arrangement. That does not mean recommendations of CPC apply to the Pensioners of PSU.

Such pensioners can not seek application of rules selectively of both Govt and BSNL inorder to take advantage of the best among the better of the rules in two institutions.

Pension and Pay of such employees/pensioners are revised as per the recommendations of PRC.

How Pension of Non Executives would be revised as per 3rd PRC, in the absence of any 3rd PRC scales for Non executives?

Pension of NE would also be required to fix in the similar way to that of Executives.

However, for the purpose of placing notional pay in the 3rd PRC NE sclaes would be required to be finalised by PSUs. (see here they say need to be finalised by PSU)

Pension contribution at the rate of 3rd PRC sclaes by PSUs?

Consent of BSNL would be required to pay pension contribution as per 3rd PRC sclaes for the retirees, who retired or going to retire on or after 1-1-2017

DOPPW observation

The question of Rule 37 (15) may be considered as and when the need arises for allowing the pension fixation based on notional pay.

Regarding the notification of 3rd PRC scales- The Note sheet of DOT contains the following

5.d. Psu division in DOT would notify the approved 3rd PRC scales for the purpose of revision of pension of pre 2017 BSNL IDA Pensioners

5.e BSNL would notify the revised scales for NE to enable their pension along with that of

Executives.

Intelligent reader can see the difference between 5.d and 5.e by their careful reading. DOT is committing here for notification of 3rd PRC scales for the purpose of revision of Pre 2017 Executives. Showing anomaly DOT may elongate it to the post 2017 Pensioners as and when they retire. How BSNL will notify the NE scales without an agreement with the recognised Unions is the question need to be answered for the Pension Revision of Pre 2017 NE? can they have some settlement only for pay scales partially , without any full Pay Revision Recommendations? If affordability clause is the bar for Pay Revision, can BSNL have power to notify scales alone viz 3rd PRC scales with or without agreement with the unions?

The question before Associations demanding 7th CPC fitment is not the satisfaction of saying 'that our demand is right' and satisfying by taking the position that they 'will not stand against if DOT settles the Revision as per 3rd PRC'.

'Will not stand against what DOT is going to give' is really a welcoming position, no doubt but not suffice as they are challenges of inter connected issues. When other associations feel that they are party to the settlement of what DOT is going to give, this position of ' will not stand against' may make these associations in the second rungs of the ladder not in the equal footing with the associations straight demanding as per 3rd PRC. According to me why 7th CPC fitment and its IDA/CDA scales becoming not possible today is because of the factor of post 2017 pensioners as they were all employees on 1-1-2017.

Let us hope the wisdom of DOT settling pension revision for Pre 2017 and Pension fixation for post 2017 in the absence of Pay Revision causing no dent in the hardened won 37 A rules.

17 hrs 12-5-2023 R. Pattabiraman

may 19 2023

My Observations on the Letter of JF of BSNL MTNL pensioners Associations I happened to go through a letter of the JF letter dated 18-5-2023 addressed to MOC Shri Ashwini Vasishnav. My observations are based on facts and not based on anything personal or political against any leader of any associations concerned.

The substance of the letter of JF is " It has come to our notice that DOT has decided to send the financial implications of 5 %, 10 % and 15 % fitment to DOE without taking a decision on fitment.

Sir, where and what basis is the need for DOT to send implications on 5,10 and 15 % to DOE when we are irrefutably, based on hard facts, decisions of the Govt. at the time of absorption that we shall be treated fully as par with CG employees in all respects, including payment of pension..we have already fully met the liability of the Govt in totality to give us fitment of 15 % according to 3rd PRC.

Instead of taking this logical and justified course of action, DOT in highly arbitrary, unjustified, irrelevant and meaningless manner, is likely to send the proposal of 5, 10 and 15 % to DOE thereby trying to escape its inescapable responsibility”

Except this substance, the language of the letter in most of the other paragraphs is of demagogy style decorating the Minister as 'sacred God' and denigrating the higher DOT officers as 'villains'.

No thoughtful Minister will let down any of his higher officer. This kind of appeasement of political boss , bypassing the officers will take us no road to solution.

If that picture given by the letter is right about DOT's sending DOE without taking any decision at its end, then the need of the hour is to know the views of their side - which warranted them to do so. If not satisfied by those views, then the associations may air out their criticism about the concerned officers. This is normal fair position for any organisation taking responsibility of lakhs of Pensioners.

One can find in the Note sheet circulated by many the Proposal of DOT as quoted by DOPPW

" DOT has proposed that in the absence of any benchmark for revision, the benefits of 3rd PRC may be extended to the Pensioners by merging the basic and IDA/DR as on 1-1-2017 with NIL fitment factor, and placement in the revised pay scales of 3rd PRC. this would ensure that the pensioners are not placed below the minimum of the 3rd PRC scales. Further as and when 3rd PRC is implemented in BSNL/MTNL the same fitment factor may be extended to all the pensioners"

" DOT proposed that for removing anomalies vis a vis post 1-1-2017 pensioners, the pension of post 2016 pensioners shall be revised on the notional pay derived after

merging the basic pay with IDA as on 1-1-2017. Subsequent pay updations by way of promotion, annual increments etc will be calculated on notional basis till his retirement for post 2017 retirees. in this case PPO shall be prepared not on the basis of last pay drawn but on the basis of notional pay so derived..This will require amendment/ relaxation of rule 37(15)of CCS pension rules 2021.."

DOPPW comments on DOT's Proposals

para 15

DOT being the administrative ministry for BSNL is in the best position to make a realisticevaluation of all relevant aspects and to decide the fitment benefit to be given to the pensioners for revision of their pension, In view of this and also keeping in view of the fact that the proposal of DOT is likely to result in only 5 % additional financial implications(NIL fitment implication),

DOPPW may not have any objection to the proposal

para 16

....the question of relaxation of rule 37 (15) may be considered as and when the need arises for allowing the pension fixation based on notional pay

The Associations should not miss in seeing the para 20 of DOPPW

“DOT is advised accordingly and requested to consult the department of expenditure before finalizing their proposals in this respect.”

One may find reason for the cause of irritation amongst the pensioners about so much delay, even after passing of 75 months. But attributing ill on the other side doing some negotiation, and doing work for pension revision but in their own style with full red tapism, is unfair on the part of the other side believing the path of negotiation.

I am just telling the Associations to see the para of DOPPW (para 20) they missed in their letter. Another point I found in that letter missing is about their non seeking of any query or showing no interest about NON Executive scales for Pension Revision for Pre 2017 pensioners and for notional pension fixation of post 2017 pensioners. DOT has assured to notify 3rd PRC scales for Executives but for Non Executives?

I may be wrong in my understanding and I am always ready to correct the same when pointed out. Nothing in this is personal or political.

10 hrs 19-5-2023 - R .Pattabiraman

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may 27 2023

BSNL Absorbed Pension Revision Issue -Meeting Secretary Telecom

The BSNL absorbed pensioners have been waiting since the last 80 months for the much expected Pension Revision. Though DOT , after much efforts of Associations, agreed to take up the issue of pension revision in the absence of pay revision to BSNL employees, the delay is causing serious concerns.

During the last October , DOT through its officers headed by Member services put forth their ideas of pension revision to pre 2017 pensioners and notional pension fixation for post 2017 pensioners.

The main contention of that meeting was the objection of 'nil fitment ' by the associations. From that meeting onwards, the associations have been trying their level best to settle the issue at the earliest , but sometimes felt bad about the snail's speed of the concerned authorities.

Though the associations are platformed themselves in two broad fronts , 6 associations and 8 associations, their focus is the same , settling the issue of pension revision and thereby getting some solace to the senior citizens belonging to BSNL folk. They can even meet the busiest Minister of Communication who is also the Minister of Railways. Unfortunately they felt the difficulty of meeting the Secretary Telecom, the highest authority of DOT.

Of course, the associations might have tried to seek audience separately with Secretary Telecom, but always advised to meet the subordinate higher officers like Member services or Member Finance. It is nothing wrong on the part of the associations to seek audience, a meeting with the Secretary ,Telecom.

Suppose if there is a chance or initiative from all the 14 (6 +8) associations jointly to seek audience requesting the Secretary Telecom to meet them for few minutes , then it may be unfair on the part of the higher authority rejecting that request.

If the Telecom Secretary meets the associations and assure them the efforts taken by DOT authorities and indicate the possible position of GOI, then that itself boost the confidence of lacs of pensioners waiting eagerly for their revision of pension.

In democracy, the bureaucracy is having its fine role of serving the stakeholders with broad heart and intentions. I believe the united efforts of all the 14 associations, if possible, may expedite the process of avoiding further man made delays. Let us hope.

0820 hrs 27.5.2023 R.Pattabiraman

July 12

Pension Revision Court Case

Reports about the arguments held for and against regarding 7th CPC fitment to the BSNL absorbed Retirees for their revision of pension are being circulated in WhatsApp groups.

From the said report I understand the following

The signal is positive

Next hearing is 13th July 2023

DOT side is harping the same point that even as on today BSNL pensioners are getting more pension than CG pensioners on IDA.

I don't find any justification and feel a strong ground for DOT to delay the pension revision, if DOT said so.

I understand by inference that 'positive signal' means the case is tending towards the direction of the justification of 7th CPC fitment to the BSNL Retirees. Let us assume as desired or expected, the judgement is coming favouring 7th CPC fitment for pension revision of pre 2017, then my reasonable apprehensions stand troubling me. I am not saying anything new, the same old questions only I am raising for the consideration of the Knowledgeable leadership demanding 7th CPC fitment.

My concerns are more about post 2017 Retirees.

What is the date of effect , if the same benefit is extended to them as that of pre 2017?

It cannot be any other date except the same 1-1-2017

But on that magical date, the post 2017 were all employees of BSNL. If at all any benefit on pension comes to them, then that can be possible only by changing their pensionable basic pay. This is possible either by Pay revision thro 3rd PRC or the intended notional pay fixation proposed by DOT as per 3rd PRC scales in the absence of pay revision. How can DOT/ BSNL make 7th CPC fitment applicable to them on which scales - 7 th CPC scales or 3 rd PRC scales or on which scales.

I request all the concerned stakeholders to think about this question seriously before amplifying the expectations.

The unions are fighting for the settlement of 3 rd PRC for the employees from 1-1-2017. The pensioners associations are supporting the struggle call of Unions , knowing that one of their demands is 3 rd PRC scales and fitment.

I request the experienced and well knowledgeable leaders to find amicable solution to post 2017 Retirees , understanding they were employees on 1-1-2017 , w.e.f the same

date and without postponing their benefit to some other date differently to different Retirees.

I feel that 7 th CPC fitment would not fit in correctly in today's context and conditions. I understand my limitation and my wisdom definitely is not above any judicial verdict

- 08 hrs 12-7-2023 R. Pattabiraman

July 15 2023

BSNL Absorbed Pension Revision court case

This morning I happened to hear the voice clip of com DG, All India President of AIBSNLPWA . He has narrated the obtained details from the court room arguments. I have nothing on that.

But the problem that troubles me is about 37 A and its interpretation. Some misconception I felt in their understanding.

My understanding is 37 A is not only for BSNL and MTNL(though some special articles are there for BSNL/ MTNL). It is a standing guidelines for all the absorbed employees from CG department to PSU. The sub rule 8 is common to all not specific to BSNL only.

Moreover 37 A is basically all about fixation of pension for the absorbed employees , and distribution thro pension trust and in our BSNL case thro DOT , GOI. It is specifically for the employees absorbed and the speaking rules are about their pension. For the absorbed Retirees the only question in 37 A is regarding the authority to pay pension . Even the question of pension contribution is about employees and their concerned scales only.

So in 37 A one cannot find any sub rule for pension revision of the absorbed employees and sub rule 8 is not concerned with that pension revision question. If it at all it links, it is linking only the absorbed employees of PSU on the date of retirement with the CG employee retiring on the same date. It does not equate the already pensioners of each side. The comparison formula is about fixing pension (not pension revision), Gratuity, commutation and qualifying service.

The second issue that comes to my mind is about the silence of the letter / presentation placed by DOT team led by then Member services on Oct 17th, 2022 and the publicly circulated note sheet - in the court room reports.

If DOT is silent by not producing this as document relevant to the case and arguing out that pension revision is possible after pay revision , telling anomaly, then its credibility is greatly strained. If the applicant associations are not producing the Oct 17 th documents, and the obtained note sheet , there also the credibility is questioned. If they produced, then I should not have any grievance. I expect this fairness from them, as they represent lakhs of pensioners.

If that Oct 17th position was brought to the knowledge of the Judge, then the question of revision in the absence of pay revision and settling the case of post 2017 with notional pay on 3rd PRC scales may gain momentum. I do not know why both DOT as well applicant sides darkened that. If they did present that of Oct 17 th presentation

and the other note sheet decisions with signature of the concerned DOT officers, then things would have been different. 10 hrs 15 -7-2023 R. Pattabiraman

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aug 30 2023

தோழர் DG உரை குறித்து..

பென்சனர் சங்க அனைத்திந்தியத் தலைவர் மரியாதைக்குரிய தோழர் DG அவர்களின் 45 நிமிட , நீதிமன்ற பெட்டிஷன் குறித்த உரையை ஆகஸ்ட் 25 இரவு தோழர் SSG அவர்களும், ஆக 26 அன்று செல்வம் அவர்களும் நான் கேட்டு தெரிந்துகொள்வதற்காக அனுப்பியிருந்தனர். சென்னையில் இல்லாத சூழலில் , உரையைக் கேட்டும் என்னால் எனது புரிதலை உடன் வெளிப்படுத்தமுடியாமல் போனது. சென்னை வந்த நிலையில் எனது பார்வையை முன்வைத்துள்ளேன்.

PWA இயக்கத்தில் தோழர்கள் DG, ராமன்குட்டி, முத்தியாலு, நடராஜன், கங்காதராவ், மூர்த்தி, சுகுமார் உள்ளிட்ட பல leading lights இருந்து பென்சனர் நலனுக்காக செயல்பட்டு வருவதை நான் உணர்கிறேன். தற்போது வரபிரசாத் பொதுச்செயலராக தன் பணியை ஆற்றிவருகிறார். தோழர் DG உரையை செவிமடுக்க பலர் ஆர்வமாக இருப்பதையும் நான் உணராமல் இல்லை.

தமிழ்நாட்டிலும் மாநிலச் செயலர்களாக வழிகாட்டுபவர்களாக இருந்த ஆர்வி , ராமராவ் உள்ளிட்ட, தற்போது இருக்கும் சுந்தரகிருஷ்ணன் என பலரும் பென்சனர் நலனுக்காக பணியாற்றி வருகிறார்கள். மாவட்டங்களிலும் அற்புதமாக பலர் தொண்டாற்றி வருவதை அறிகிறேன்.

பிற பென்சன் சங்கத்தார்களும் தங்கள் பொறுப்பாளர்கள் குறித்த பெருமிதங்களை சொல்லிக்கொள்ளமுடியும். எனவே பென்சன் ரிவிஷன் குறித்த புரிதலை எந்த தனிப்பட்ட தலைவர்க்கும் எதிரான ஒன்றாக நான் வைக்கவில்லை.

37 A குறித்து தோழர் குப்தாவுடன் பெருமளவு விவாதித்த சில முன்னணி தோழர்களில் எனக்குமான வாய்ப்பு இருந்தது. எனது போதாமையை வெளிக்காட்டிய போதெல்லாம் don't talk like a prof என்கிற திட்டும் பெற்றதுண்டு. அவரிடம் விவாதித்து கற்ற அடிப்படையில் 37 A குறித்த எனது புரிதலை பல பக்கங்களில் நான் வெளிப்படுத்தியுள்ளேன்.

தோழர் DG புரிதலில் நான் மாறுபடுவதால் (பென்சன் ரிவிஷனில்) எனது பார்வையை அவ்வப்போது வெளிப்படுத்தி வருகிறேன்.

பொதுத்துறையில் absorb ஆனவுடம் நாம் மத்திய அரசு ஊழியர் அந்தஸ்தை இழக்கிறோம் என்பதை 2021 வரையிலான 37 ஏ 37 பி பேசிவருகிறது. சுப்ரீம்கோர்ட் தீர்ப்பிற்கு எதிராக அது இருந்தால் அந்த ஷரத்து இடம் பெற்றிருக்காது என்கிற common sense யை பென்சனராகிய நாம் அந்த உரை மூலம் இழந்துவிடக்கூடாது எனக் கருதுகிறேன்.

தோழர் டிஜியின் அந்தவுரை அரசியல் அமைப்பு விதி 14 என்கிற சமத்துவ உயர் விதியை சொல்கிறது. 1-10-2000ல் புதிய ஊதியத்தில் IDA வில் நாம் சென்று அதன் மூலம் கூடுதல் பென்சன் பெற்றோமே, அப்போது அதற்கு முன்னர் 30-9-2000வரை ஓய்வுபெற்ற நமது மூத்த சகோதரர்களுக்கு அது விதி 14 படியோ, நாகராப் படியோ ஏன் நீட்டிக்கப்படவில்லை என்ற கேள்வியை bsnl absorbed pensioners கேட்டுக்கொண்டிருக்கிறோமா..அதை கவலையின்றி கடந்து சென்றோமே..நாம் பேசிக்கொண்டிருக்கும் நியாயம் எல்லாம் அவர்களுக்காக ஒருமுறையாவது பேசியிருப்போமா... பேசவில்லை. ஏனெனில் அவர்கள் DOT Govt pensioner..நாம் bsnl absorbed pensioner getting pension from DOT / Govt. அப்போது ஒப்பீட்டை நாம் நினைத்துகூட பார்க்கவில்லை.

அடுத்த தவறான புரிதலாக எனக்குப் படுவது விதி 8யை சொல்வது. அது முழுக்க முழுக்க இனி ஓய்வு பெறும் ஊழியர்க்கான ஒப்பீடு. ஒரே நாளில் ஓய்வு பெறும் bsnl absorbed employee மற்றும்Govt employee க்கான பார்முலா பென்சன் நிர்ணய last pay drawn கணக்கீடு, கிராஜுடி, கம்முயுடேஷன், குவாலிபையிங் சர்வீஸ், குறைந்தபட்ச அதிக பட்ச பென்சன் போன்றவற்றை அது வியாக்கியானப்படுத்துகிறது. இனி ஓய்வு பெறப்போகிறவரின் பென்சன் நிர்ணயம், ஓய்வூதிய பலன்களுக்கான விதியது. முன்பே ஓய்வு பெற்றவர்கள் அவ்விதிப்படிதான் ஊழியராகவிருந்து பலனையும் பெற்றார்கள்.

ஊழியர் ஓய்வின் போது என பேசும் விதியது. பென்சன் ரிவிஷனுக்கு அதில் நேரிடையாக ஒன்றுமில்லை. அது எப்போது பயனளிக்கும் எனில் , எப்போது ஊதிய மாற்றம் வருகிறதோ அப்போது பென்சன் மாற்றம் தர வேண்டும் என்கிற நிர்ப்பந்தத்தின் போது தான் என்கிற புரிதல் அந்த உரையில் சுத்தமாக இல்லை.

அடுத்த தவறான புரிதல் 2017 க்குப் பின்னர் ஓய்வு பெற்றவர் குறித்த understanding. அவர்கள் பெற்றுக்கொண்டிருக்கும் பென்சனை மாற்ற அவர்களுக்கு ஊதியம் மாறவேண்டும். அதற்குரிய ஸ்கேல் வேண்டும் என புரிந்து கொள்ள மறுப்பது. அவர்களுக்கும் மாற்றம் 1-1-2017 முதல் ,

ஏதோவொருவகை ஸ்கேல் மாற்றம் மூலம்தான் சாத்தியமாகும் என்கிற புரிதலை கண்டுகொள்ளாமல் செல்வது.

டெல்லி principal CAT ல் ஊதிய மாற்றமின்றி ஓய்வூதிய மாற்றம் இல்லை என dot வழக்காடும்போது, அக்டோபர் 17 ல் அசோசியேஷனிடம் ஏற்றுக்கொண்டதை, இரு தரப்பாலும் பேசுபொருளாக்காமை ஏன் என்கிற விவாதம் இல்லை.

அந்த உரை பென்சன் ரிவிஷன் 7 வது ஊதிய பெருக்கு மடங்கில் வரவேண்டும்..இல்லாவிடில் எவ்வளவு காலமானாலும் வராமல் இருக்கட்டும் (அடைந்தால் மகாதேவி அடையாவிட்டால் மரணதேவி) என எனக்கு உணர்த்துகிறது. இது சரியான அணுகுமுறையாக எனக்கு தோன்றவில்லை.

6 வது 7 வது சம்பளக் கமிஷன் நீட்டிப்புகள் எல்லாம் , நமக்கு அப்போது ஓய்வு பெறவிருந்த பி எஸ் என் எல் absorbed ஊழியர்களுக்கான பலன் என்கிற வழியில்தான் பென்ஷனர்களுக்கு வந்து சேர்ந்ததே தவிர, பென்ஷனர் வழி ஊழியர்களுக்கு போய் சேரவில்லை என்ற புரிதல் அவ்வுரையில் இல்லை.

1-1-2017 க்கான மாறும் ஊதியம் என்ன என்கிற கேள்விக்கு பதிலை நிர்ணயிக்காமல், even delinking pension revision from pay revision சாத்தியமாகாது என்கிற புரிதல் இல்லை. அதற்கு இருக்கிற ஸ்கேலிருந்து வேறு ஒரு ஸ்கேல் வேண்டும். அது அதிகாரிகளுக்கு 3rd PRC scale ஆகவே இருக்கமுடியும் என்கிற புரிதல் தேவைப்படுகிறது.

Holding empty cup and doing many sips என்பதால் பயனில்லை. ஆயிரக்கணக்கான பென்சனர்கள் நம்பும் உரை என்பதால், அது குறித்த எனது புரிதலை சொல்லவேண்டியுள்ளது. வேறு organisational position desires என்பதெல்லாம் இல்லை.

30-8-2023 7.40 am - R Pattabiraman

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sep 2 2023

Two BSNL retired comrades contacted me over phone and asked me about my position on pension revision. It is unfortunate, my ‘write ups’ pages after pages are not known to them.

I asked them when they retired. They told me they are post 2017 Retirees. Then in that case, there is no pension revision for you, I clarified them. It seems to me , my answer gave a shock to them and they got disappointed .They said they have gone to court and a representative of them is in that case. I said good. Nothing wrong on their part, they were taught so in the meetings they attended.

‘Pension revision’ is the demand of pensioners retired before 1-1-2017. They are demanding from that date that their pension should be revised. It is a correct demand , also nothing wrong in their expectations that their pension fixed in 2007 should be revised from 1-1-2017. Their retired friends in CG got that from 1-1-2016 as per 7 th CPC. So and natural that expectations can be high only on their part.

But pensioners of pre 2017 cannot get their ‘revision’ of their existing pension on 1-1-2017, unless solution to post 2017 is found. This is a great bonding because, all came together to BSNL through 37 A on 1-10-2000. There is a link , connectivity between them. This link is not there with the CG pensioners as we came out from their folk, but wisdom of com OPG made a good link for absorbed bsnl employees with the employees of CG thro 37 A sub rule 8.

This wisdom of OPG only helping the bsnl employees to get the benefits of 6 th and 7 th CPC as per the said formula of 37 A when they were retiring . Except minimum and maximum pension, the other benefits of CPC like gratuity, commutation, qualifying services were extended to the absorbed employees also from the same date of CPC. The minimum and maximum is normally incorporated when DOT issues separate pension revision orders for bsnl absorbed pensioners.

But the demand of ‘pension revision’ is not applicable to post 2017 from 1-1-2017, because they were all employees on that date, not getting pension on that date but only getting pay on that 1-1-2017. If at all any solution to them is to be found, that can be possible only through change of their pay from the existing scales to new one on 1-1-2017.

As employees on 1-1-2017, they can go only to PSU scales (for the Executives from 2nd PRC to 3 PRC and for Non Executives they can go to any agreed new scales with the unions). But BSNL and DOT are not working seriously to find an amicable solution by seeking exemption or any other suitable way, and the Unions are struggling to reach an agreement even with 5 % fitment without discrimination in the methodology of scales as that of Executives.

During Oct 2022, DOT gave some good gestures to the associations of pensioners, came out from their position (because of the active roles of associations) and proposed pension revision , even if no pay revision. They found a solution to post 2017 also, from the same date 1-1-2017 , suggesting pension fixation on notional Pay, instead of the actual last pay drawn. Though DOT came down to this position of accepting pension revision on 3 rd PRC, they stood with nil fitment.

Unfortunately everything was found stuck there itself, no move beyond is visible in the writings of DOT. In the Principle CAT, DOT took its old position that is ‘pension revision only possible if pay revision is done’. It is unfortunate both the parties concerned for their obvious reasons not cited Oct 2022 position of DOT to the Court.

Now everybody is expecting eagerly the judgment of CAT.

Thanks to the comrades , though they were not in a position to understand my views, they helped me again to write this clarification,of course nothing new on my part to say.

2-9-2023 8.30 am - R . Pattabiraman

sep 22 2023

THIS morning One of the senior leaders of NFTE BSNL, at present an activist of Pensioners Association com Balu of Tuticurin discussed with me about the most expecting CAT Judgment the one to find light shortly.

I simply told him one pertinent thing about the issue of pension. How can an employee who was getting pay on 1-1-2017 seek pension revision on that 1/1/2017. There is no pension for him on that 1/1/2017 , where is the question of pension revision for that employee. Only change in pay would lead a hike in pension for him. He or she is to get his already fixed pension changed by any pay change only.

Pay change without new pay scales will lead him only stagnation and no hike in pension. Unless one understands this aspect of the issue, one can enjoy sweet dreams

- 20 hrs 22-9-2023 R Pattabiraman

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Sep 25 2023

PB CAT Judgment

Congratulations to all those leaders and Pensioners' Associations of BSNL and MTNL who labored a lot for bringing a favorable CAT judgment for their applications and prayers. The copy of Judgment was first sent to me by Com Mathi of Vellore and later by many comrades.

I am one amongst the serious contestants against the associations demanding 7th CPC fitment and scales for the sake of those retiring on or after 1-1-2017 that is post 2017 pensioners (the employees on 1-1-2017). All my 'learned' articles and write-ups were thrown into dust bin by this PB CAT judgment pronounced on sep 20, 2023. All the criticism leveled against me is getting its justification as on date by this judgment. The future criticism about 'poverty' of my understanding on this issue will also find its justification.

But my heart does not feel guilty as I wrote only the found truth, and mind says 'nothing that placed is wrong'. I did not get that legal stamp for my views, and the similar views of mine were not considered by the PBCAT.

I wish the Associations every success to carry forward the judgment to the logical conclusion, the realization of Pension Revision on parity with CPC recommendations. DOT and the other Respondents should understand the sentiments of lakhs of Pensioners waiting patiently for the last 6 years and help them to find a solution without dragging the case further legally and causing delay in preparing cabinet note and other procedures.

I have given below my study about the case and relevant connecting points. I have dealt both pre 2016 OM and post 2016 OM of DOPPW and their difference. Those interested may go through and others can ignore. Those interested, kindly read carefully.

II PB CAT Judgment in nut shell

The allowed OAs are 1272/2020, 1271/2020, 1329/2020 filed by various Associations and members of that Associations. The respondents are DOT, DOPPW, DPE, BSNL and MTNL , but the OA 1329 filed by AIBSNLPWA is not including BSNL, of course correctly, as one of its respondents like the other two OAs

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As per the ORDER of Hon' Mr Tarun Shridhar, Member A

Accordingly, with the request and consent of learned counsel for the parties, all the O.A(s) have been taken up together for disposal and these are being decided by a common order. However, facts of only OA No. 1272/2020 are being discussed.

Arguments on behalf of the applicants have been collectively put forth, led by Mr. Sanjay Ghosh, learned Senior Advocate (of 1329 AIBSNLPWA) assisted by other advocates.

The following relief was sought by the way of OA.

"(a) Pass an Order directing the Department of Telecommunications to revise the pension/family pension/minimum pension w.e.f. 01.01.2017 for the BSNL combined service Pensioners, who were absorbed from DOT/DTS/DTO we.f. 01.10.2000 and retired prior to 01.01.2017 by applying the fitment formula on IDA pension as on 01.01.2017;

(b) Pass an Order directing the Department of Telecommunications to revise the pension/family pension/minimum pension w.e.f. 01.01.2017 for the BSNL combined service Pensioners, who were absorbed from DOT/DTS/DTO w.e.f. 01.10.2000 analogous to the revision of pension/family pension/minimum pension for the Central Government Pensioners based on the recommendations of the 7th Central Pay Commission;

(c) Pass an Order directing the Department of Telecommunications to revise the pension for BSNL combined service pensioners parallel to the revision of pension of the Central government servants without linking with Pay revision in BSNL:

(d) Pass such other further order (s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case and in the interest of justice."

The following are the observations of PBCAT

Para 22

There is no ambiguity that at the time of their placement and absorption in BSNL and MTNL, it was categorically stated that the erstwhile employees of the Department of Telecommunication shall continue to be governed by their existing terms and conditions of the service which means that they shall continue to be treated as government servants for all intents and purposes. It is also not in dispute that from time to time, the recommendations of the Central Pay Commission, as accepted and notified by the government, were made applicable in their case too. There is no ambiguity with respect to the general terms and conditions governing absorption, as circulated and quoted in para 5 of this order, stating categorically that provisions of Rule 37 (A) of the CCS (Pension) Rules, shall guide payment of pension to these employees.

in para 26 : We reiterate that even on their absorption in the corporate undertaking, the terms and conditions of services governing them were to remain the same as they existed when they are employees of the Department of Telecommunications. Further, these terms and conditions include pension and family pension and this has been expressly stated in the rules and several subsequent communications which have been elaborately quoted in some of the preceding paragraphs of this order.

in para 27

We have no hesitation in concluding that the present application deserves positive consideration. The government had given a promise and stated it in black and white. How could it now retract from the promise, that too not by any law or rules but by simply a refusal to honour it?

The main operative portion of judgment in para 28

In view of the elaborate discussion above, the OA stands allowed. The competent authority amongst the respondents is directed to forthwith revise the pension and family pension wherever applicable, strictly in accordance with the relevant rules and the entitlement governing pension to various sets of employees of the Central Government, maintaining strict parity. It is clarified that the benefits of revision of pension and family pension as notified by the Central Government on the recommendations of the Pay Commission, shall stand extended in favour of the applicants, analogous to the revision of such pension in case of Central Government pensioners

III My observations on judgment

The prayer is directing the DOT to implement the pay revision and the judgment is direction to the Competent authority amongst the Respondents – DOT or DOPPW , DPE may not be I think, but DOE In the case of post 2017 as post 2016 employees got their benefit vide DOE OMs.

The direction is

".. to forthwith revise the pension and family pension wherever applicable, strictly in accordance with the relevant rules and the entitlement governing pension to various sets of employees of the Central Government, maintaining strict parity."

That is- revise pension and FP 'wherever applicable' and this in accordance 'with rules and entitlement governing various sets of employees of the CG', maintaining 'strict parity'.

The clarification given is

" It is clarified that the benefits of revision of pension and family pension as notified by the Central Government on the recommendations of the Pay Commission, shall stand

extended in favour of the applicants, analogous to the revision of such pension in case of Central Government pensioners."

That is recommendations of Pay commission shall stand extended, and is analogous (that is similar to) the revision of such pension in case of CG pensioners .

Ok good

1. CG pensioners got their pension revision in Jan 2016 simultaneously with the Pay revision of CG employees on Jan 2016. There is a link between pre 2016 CG pensioners and CG employees on 1-1-2016, the post 2016 pensioners. Is it the same/ similar situation regarding absorbed BSNL/MTNL pensioners? can it be construed the analogus one in this regard? The CAT judgment is silent on this question

2. The Judgment speaks about rules and recommendations of CPC. So if rules meant the relevant OMs then we have to see both the OMs and also recommendations of 7th CPC

3. The 37 A is the main rules and the OM that suits 37 A is the OM dt 4-8-2016 suited to post 2016 but not OM of pre 2016. But now the judgment, if I presume or understand correctly asks to suit the OM dated 4-8-2016 for pre 2016. The judgment is not directly quoting the OMS. My understanding cannot be above the legal judgment.

4. 7th CPC recommendations as per ch 10.1

The minimum pension based on the recommendations of this Commission will increase by 2.57 times over the existing level (3500 to 9000). (this need to be implemented)

The Commission recommends enhancement of ceiling of gratuity from the existing 10 lakh to 20 lakh from 01.01.2016. The Commission further recommends, as has been done in the case of allowances that are partially indexed to Dearness Allowance, the ceiling on gratuity may increase by 25 percent whenever DA rises by 50 percent. (it was partially implemented for BSNL employees retiring from 1-1-2016 but linkage with DA need to be done)

The Commission, after examination of the matter, recommends the following revised rates for payment of death gratuity: (For BSNL employees retiring after this order implemented)

pension revision -

The Commission recommends the following pension formulation for civil employees including CAPF personnel, who have retired before 01.01.2016:

i) All the civilian personnel including CAPF who retired prior to 01.01.2016 (expected date of implementation of the Seventh CPC recommendations) shall first be fixed in the Pay Matrix being recommended by this Commission, on the basis of the Pay Band and Grade Pay at which they retired, at the minimum of the corresponding level in the

matrix. This amount shall be raised, to arrive at the notional pay of the retiree, by adding the number of increments he/she had earned in that level while in service, at the rate of three percent. Fifty percent of the total amount so arrived at shall be the revised pension.

ii) The second calculation to be carried out is as follows. The pension, as had been fixed at the time of implementation of the VI CPC recommendations, shall be multiplied by 2.57 to arrive at an alternate value for the revised pension.

iii) Pensioners may be given the option of choosing whichever formulation is beneficial to them.

DOPPW OM 4th Aug 2016 is the OM for pre 2016 (F No. 38/ 37/ 2016- P & PW (A) (ii) and the subject matter for this is implementation of Govt's decisions on the recommendations of the 7th CPC- revision of pension of pre 2016.

In that

4.1

For existing pensioners,who have retired before 01.01.2016, the revised pension/family pension with effect from 01.01.2016 shall be determined by multiplying 6th the pension/family pension, as had been fixed at the time of implementation of Central Pay Commission (CPC)recommendations, by 2.57.

The amount of revised pension/family pension so arrived at shall be rounded off to next higher rupee.

4.4 The minimum pension with effect from 01.01.2016 will be Rs. 9000/- per month (excluding the element of additional pension to old pensioners). The upper ceiling on pension/family pension will be 50% and 30% respectively of the highest pay in the Government

(The highest pay in the Government is Rs. 2,50,000 with effect from 01.01.2016).

4.5

The quantum of pension/family pension available to the old pensioners/ family pensioners shall continue to be as follows:-.... (from 80 years)

10. The pension/family pension as worked out in accordance with provisions of Para 4.1. and 5 above shall be treated as 'Basic Pension' with effect from 01.01.2016. The revised pension/family pension includes dearness relief sanctioned from 1.1.2016 and shall qualify for grant of Dearness Relief sanctioned thereafter.

Let us not forget there is another OM of DOPPW dated 4-8-2016 but file is different viz F. No.38/37/2016- P&pW (A) (i). the subject matter of this OM is Revision of

Provisions regulating pension/ gratuity/ commutaion of pension/ FP etc. This is for post 2016 pensioners, that is employees on 1-1-2016.

As per 37 A , this was extended to us BSNL retirees from 1-1-2016 where ever relevance felt. This OM is not for pension revision fitment. This only speaks about Grautity enhancement with 20 lacs and DA linkage, death gratuity, also minimum and maximum pension.

POST 2017 issue

The next issue is about post 2017. For them the recommendations are part of post 2016 OM, which was partially implemented and DA linked aspect and minimum, maximum pension only remaining to be implemented. OM of pre 2016 pensioners not applicable to them. Only Pay change recommendations implemented for them(post 2016) as per DOE CCS Revised Pay rules.

Fortunately in AIBSNLPWA 1329 OA DOE is made as one of the Respondents.

There is no specific Order for this kind of post 2017 pensioners, the employees on 1-1-2017 in this judgment as per my study. They were not pensioners on 1-1-2017. Suppose without finding any remedial measures to address this issue, this judgment is implemented, then there would two different type of pensioners, one getting pension parity with CG pensioners and other post 2017 pensioners on 2nd PRC scales. I hope this issue arised out of this judgment need to be addressed.

10.30 PM 25-9-2023 - R. Pattabiraman

sep 27 2023

I understand always my limitation on issues concerned and dealt for the last few years. One such issue is pension revision for the BSNL absorbed retirees.

My writeups may convince or may not convince the comrades concerned, but I never fail to go deep and give serious thought over that. I always aim how to bring the bonds to all the stakeholders .

I tried to maintain the spirit of Nagara SC Judgment, that pensioners placed in similar positions are a class. My understanding is, may not be a convincing one to many, CG pensioners retired fully from the Govt service, getting CDA is a class of themselves , whereas we the 4 lakh BSNL absorbed forming ourselves a class of different nature on IDA.

In order to join that CG class for the sake of pre 2017 pensioners , we cannot leave our bonds with our post 2017, who were all in 2nd prc scales on 1-1-2017 as employees.

I don't say solution is impossible. But without breaking heads, it is not an easy or casual one.

I agree that my knowledge on that is limited one.

Healthy criticism about my views is good to find solution. But bad and filthy language is no use to anyone. Naming and bracketing are very old organisational methods failed in its experiments.

So finding answer to the relevant questions are the sure road to solving the issues cropping up because of this latest PB CAT Judgment.

Though the Judgment is helping to bring parity with the pre 2016 pensioners in clear terms, it created disparity ,not in open terms, amongst the United bsnl absorbed since 1-10-2000.

I have been telling that the demand of simultaneous settlement of pension revision with pay revision would carryforward the existing bonding.

After oct 17 th 2022, I felt DOT is ready to bring pension revision , ofcourse with nil fitment, in the absence of pay revision, finding solution to post 2017 also w.e.f 1-1-2017. It seemed to me that Spirit of DOT was good, and I thought it would help to find solution to both pre and post 2017 on 3rd PRC scales. Some associations tried to bring some improvement on fitment. But they could not till this date. That solution presented by DOT maintained the parity amongst the BSNL absorbed as a single class.

Unfortunately or fortunately to many pre 2016 pensioners some Associations gone to PBCAT and won the case of CPC parity fitment. This new situation brought the dislocation of post 2017 from the single class position of the BSNL absorbed as per this judgment.

This Judgment on the face of it favours pre 2016 to tie them with CG pensioners and CPC. In central govt their single class position was safeguarded by simultaneous implementation of both pay revision and pension revision as per CPC.

Here in our case , our demand is only pension revision , after knowing as somebody is telling 'wage revision is mirage in bsnl '.

Unless pay is changed in some form to the employees on 1-1-2017 that is post 2017 , their pension calculation would continue only on 2nd prc scales. The question that we need to find answer is, how to make them fit in CG parity as per CPC and as per this Judgment.

The associations and their experienced leaders may have confidence to find an answer. I wish them every success.

0800 hrs 27 -9 2023 R.PATTABIRAMAN

Oct 4 2023

An Appeal To BSNL Unions and Association of Pensioners

Settling clash of Interests

My intention of writing more and more on Pension Revision is not to create any bitterness amongst the Pensioners or amongst the associations. In order to share my concern only, I am bringing the points that are troubling my mind.

When lakhs of pensioners are welcoming the CAT judgment as it specifies parity with CPC – regarding pension revision, why should I hesitate to join the celebrations- is it because of any narrowness or dark side of my heart?. Certainly not. I have learnt the art of respecting all the leaders labouring the cause of our pensioners' folk. But when I differ, I point out the areas where we need understanding and light. I think that is healthy in any democratic environment.

There are two major streams in dealing the case of revision of pension. One agreeing to go with the stream of 3rd PRC and another with 7 th CPC.

The intention of CPC seekers is fine , and by that they want to bring a permanent solution to the revision of pension binding themselves with the CG pensioners getting pension revision at least in every ten years thro CPC recommendations. Their efforts in every time helped them to advance step by step and culminated in the PB CAT judgment of Sep 20, 2023. Naturally the leaders worked for it may feel proud of their actions and the lakhs of pensioners followed them in jubilant mood. Definitely the members would stand with the leadership and support them in all ways as per the calls coming.

The intention of 3 rd PRC seekers is also a good one, and they acted with an understanding to stand on 3rd PRC, in order to take post 2017 also with them by some methods in the absence of pay revision. Pay revision if comes as per 3 rd PRC, or not at all coming- then that methodology for post 2017 should not create any clash of interests amongst the pre and post 2017 sections till the next PRC. They know that as long as employee are there - that is post pensioners on a particular cutoff date is there, there should be a binding as per 37 A.

This binding is well established after Nagara judgment in Central Govt section. The CPCs are recommending both the pay revision of employees on the particular date and revision of pension to the existing pensioners on that same date. So there is no clash of interest in determining pension fixation of the employees retiring after that particular date, and revision of pension on that date to the existing pensioners of that date.

CPCS are announced for both pay and pension revision on CDA and simultaneous implementation is also assured there. This situation is not analogous in the case of BSNL employees and pensioners. Here employees are getting pay on IDA from BSNL their employer, but after retirement they are getting pension from GOI thro DOT, fixed on the basis of LPD on IDA. Pay revision is done thro PRC recommendations for Executives and for NE as per agreement reached with unions as that of any PSUs. But a peculiar special provision was arranged thro 37 A rules for getting pension from Govt after retirement as per Govt formula on that equivalent date. Thanks to the wisdom of com OP Gupta and thanks to the Govt on that date of that year 2000. So our position is not analogous to CG position where simultaneously both pay and pension revision is done from a single source namely CPC.

Settling clash of Interests

How to settle clash of interests amicably in parity is the biggest question that needs solution. We all 4 lakhs as employees came together 0n 1-10-2000 to BSNL, the PSU. After employees started retiring, a new minor section viz. BSNL absorbed pensioners started appearing. Their pension was safeguarded as that of Govt formula, though they are getting more than their CG counterparts due to IDA settlement. This section started growing and becoming a major section today and employees existing becoming minor due to retirements and VRS.

When we get revision of pay on 1-10-2000, taking us to the road of PRC- no clash of interest was felt with the CG CDA pensioners on that date. No Nagara was invited to settle, as no one - neither CG pensioners nor BSNL employees felt any anomaly between them.

But when BSNL Executives got their pay revision on 2009 and NE got on 2010 w.e.f the same 1-1-2007 date thro 2nd pRC, a clash of interest was felt not only by both the sections, but also by DOT the pension provider. One section of pensioners were still in first PRC mode, whereas the pensioners coming after 1-1-2007- the post 2007 started getting pension in their 2nd PRC mode scales and pay. This was the clash and Nagara entered to solve that. After pensioners' associations demanded and struggled, the clash was amicably settled and the pre 2007 pensioners were also allowed to travel in the 2nd PRC mode. After that the bonding was re-established amongst the BSNL absorbees.

During 3rd PRC, BSNL was not in a position to give pay revision to its employees due to affordability issue.

On formation of 7th CPC, some associations want 'delinking' from the BSNL employees and establish their 'binding with CG pensioners' as both are getting pension from CG. Their demand started creating clash of interests between the existing employees of BSNL and Pensioners retired as on 1-1-2017.

Now the PB CAT judgment is in their hand. According to me, that judgment delivered on Sep 20th 2023 escalated the clash of interests between these pre and post 2017

sections to a new height. Now the clash of interests has to face not only the authorities of BSNL/ DOT but also the new legal stamp. The judgment directs revision of pension as per CG rules and parity with CG pensioners, wherever applicable.

Pension revision is not applicable to BSNL existing employees on 1-1-2017 (if that direction meant so) or as on existing employees on 1-1-2016 (if that direction is taken as per CG rules and parity). Employees as on 1-1-2017 are only eligible (if at all any change in pay and pay scales) for 3rd PRC, and no question comes here for employees on 1-1-2016, they were part of 2nd PRC culminating period only. In order to avoid this confusion, date may be taken as 1-1-2017. Any way employees, whether they are applicants to this case or others, they are not eligible to any pension revision on that 1-1-2017. They are not pensioners on that date.

I am not a legal person, but a man applying common sense in this case. So the clash of interests is evident, if this judgment is implemented as per CPC to pre 2017 pensioners. They will go in that CPC method of revision , where as the existing employees as on 1-1-2017 may continue to go on 2nd PRC stream to get their pension fixed. This clash needs to be resolved. According to my limited knowledge, settling the clash with CPC is difficult comparing settling the clash with PRC.

If CPC is implemented, the question arises is how to fix the same benefit to the employees in PRC scales.

Benefit of pay change is possible if pay revision is settled or notional PPO as suggested by DOT is made acceptable by the concerned authorities as per 3rd PRC. It is difficult to apply 7th CPC and its scales to the employees on 1-1-2017 in BSNL. Unless this mechanism is solved, the clash of interests created by the judgment stands. It is comparatively easy to settle the clash by applying 3rd PRC scales and pay. But the judgment stands a bar to this. Unless this judgment is set right and made not an issue amongst the pre and post 2017, the solution is difficult.

Otherwise DOT should accept the arguments of these associations, that is ‘CPC is the permanent solution - legal stamp is also there, so do accordingly’ . In that case the DOT should find a way to solve the issue of PRC employees by keeping parity with CG employees on that date.

Are we aiming the possibility of 7th CPC fitment and scales to employees also as on 1-1-2017 (1-1-2016), as celebrating the parity of revision of pension as per CG rules from 1-1-2017(1-1-2016) ? My common sense is not supporting that. Unions need to think this aspect.

I will be happy, if I am proved wrong and made to enjoy the CPC benefits that you all bring by your hard labour. Best Wishes.

11.30 hrs 4-10-2023

nov 10 2023

PBCAT Delhi and Options for DOT

The pensioners folk of BSNL retired before 1-1-2017 and retiring after that date are eagerly waiting for the fate of the judgment given by PBCAT regarding pension revision analogous to Central Pay Commission.

The direction given to the authorities concerned ,speaks a period of 10 weeks ,which is fast approaching. It is difficult to predict what DOT is going to do on that judgment. The options are more.

My common sense tells me three options before DOT

1. DOT may find ways and means to implement the judgment in verbatim

2. DOT may feel negative about that judgment, stating implementation beyond its purview as per the existing rules or absence any specific rules for pension revision. It may prefer appeal to nullify the PBCAT judgment

3. The third option is little bit moderate one. They may show willingness, as decided and presented in Oct 17 th meet of 2022, for pension revision with the possible modality already drawn without affecting both pre and post 2017 pensioners' claims. Accordingly, they may prefer appeal to seek modification of the judgment, while accepting the issue of pension revision.

Between 'yes and no' there is a middle path a kind of 'also- not also' position for DOT. I feel , this-position if DOT takes , may safeguard the claims of all the stakeholders and may avoid further litigations and delays in settling the issue of pension revision.

Expecting DOT to honour its position, that is , it is

for pension revision even in the absence pay revision , is not an unfair one. Taking care of all the stakeholders like pensioners associations for pension revision, trade unions for pay revision, this 3 rd option may be a via media and fair method that would solve the issues without affecting any sections- pre or post 2017

12.30 hrs 10-11-2023 -R.Pattabiraman

dec 25 2023

This piece is not to discourage any pensioner of BSNL, but to boost their consciousness by not allowing be fooled by the ‘saviours’ of pension revision.

Some questions need to be allowed for that.

What is the relation of the date 1-1-2017 w.r.t cpc?

What is the relation of merger points 119.50 w.r.t CPC?

These are part of the recommendations of 3 rd PRC which cannot be applicable straight , but can be incorporated by a cabinet note specially prepared for pension revision. (There is no such rule in 37 A for pension revision, the sub rules are speaking about pension fixation and distribution).This type of incorporation they did in 2007 quoting 2nd PRC implementation for the employees and thereby avoiding different yardstick for pre and post 2007 pensioners.

Now in the absence of pay revision, DOT tried to find some solution thro its presentation on Oct 17 th 2022. Nil fitment was the major issue and for some associations pressing the demand of 7 th CPC is the issue. They got PBCAT judgment, directing DOT pension revision as per the rules analogous to CPC.

There is no rule for CG pensioners for pension revision and they got their revision from 1-1-2016 along with CG Employees thro Govt order/ memo. This situation of revision for both employees and pensioners in the CG is not analogous in the case of BSNL . Employees are still struggling like pensioners for their pay revision. There is no connection for post 2017 psu employees regarding 32 % , the one derived from CPC fitment calculations. They need 3 rd PRC scales and fitment only. So how the directive of PBCAT gives analogous position of CPC to an employee of PSU.

Associations should not become a captive bird, though they show golden cage, of some individuals with dogmatic narrow visions. My way or high way will spoil any organisation, unless the members understand the false propaganda in the name of CPC.

Unless we understand the link between the post and pre 2017, it is difficult to discern things in a fair way. If pension revision is done in some mechanism to pre 2017 pensioners, the same mechanism is made applicable to post 2017 pensioners also, but done only by pay fixation route to the employees on 1-1-2017 date. If pay fixation means then we need some pay scales also. The only available pay scale route is 3 rd PRC scales for Executives and bilateral settlement for NE. Suppressing this facts is unfair in any organisation.

Kindly help me to learn thro healthy arguments. One may ignore the facts, but facts never fail to speak.

11 . 40 hrs Dec 25 th 2023 R Pattabiraman

dec 31 2023

Now Play with FCI Card

The intention of PWA leadership and their hard work to settle the issue of pension revision for the BSNL absorbed Retirees as per 7th CPC, by all available means is appreciable one. They burn midnight oil and break their head to achieve that demand. One should recognise their sincerity of finding logic in all possible manners.

But the efforts of one should have its own rhymes and reasons to get the break through. The reasons and logic should be sound to get it done.

There is some confusion in finding methodology, though the aim and goal is 7 th CPC. Already PBCAT is there to support and the additional card is now used, namely the direction issued to Accounts people by the Ministry of Consumer Affairs on Dec 13th, 2023. So , people are happy that they have their sound supports for the 7 th CPC.

Earlier the demand was from 1-1-2017 with 119.50 IDA merger with the derived 32 percent of basic . The first two factors are not from 7 th CPC, and they are factors of 3 rd PRC. For post 2017 the earlier demand was the same methodology on their retirement date, and this was subsequently modified and the same 1-1-2017 was conceded. This needs a pay scale change.

Now after seeing the order of FCI 'food transferees- Retirees' , a letter is sent by PWA GS drawing the attention of the said DFPD of Dec 13th 2023, that is with the same multiplication factor of 7 th CPC as on 31-12-2015- meaning pension revision w.e.f 1-1-2016 with same CDR of CG pensioners.

Though the letter of GS is not directly demanding pension revision from 1-1-2016 with CDA, one may infer from the speeches of leaders that is the new focus. Even they started advocating CDR is beneficial comparing IDR.

Now because of this new focus , the issue is turned to post 2016 cases.

FCI has implemented pay revision to its non executive as well as Executives by 2019 itself as per 3 rd PRC. When contacting the FCI Employees union GS com Varghese of CITU, he told about their pension by NPS only . All the old guards gone is his understanding.

Regarding the FCI food transferees case, they got their own beautiful 12 A clauses , all statutory by the act of parliament. The special provisions for transfer of Govt employees to corporation have this 12 A 4 a b provisions in the FCI Act (amended in 1968).

4.Every officer or other employee transferred by an order made under sub section 1 shall within six months from the date of transfer, exercise his option in writing to be governed.

a By the scale of pay applicable to the post held by him under the Govt immediately before the date of transfer or by the scale applicable to the post under corporation

b. By the leave, PF, retirement or other terminal benefits admissible to employees of the CG in accordance with the rules and orders of the CG as amended from time to time or the leave , PF or other terminal benefits admissible to the employees of the corporation under the regulations made by corporation made by under this act.

Ok good. This old guards namely food transferees are almost retired and no employee in that category was there on the said date of 1-1-2016. That is in that category, no post 2016 case is available. This one is confirmed with the activist of them- Shri Murukesan- who is handling their case and the beneficiary of that Dec 13 th 2023 order. That order speaks about pay revision also effective from 1-1-2016 and about basic pay and regulation. I do not know for whom that is placed.

The SC judgment of 10-2-2010 asking Govt to settle their - food transferees- grievance with 9 % interest rate, and the Madras HC decision of 2018 with no interest is not relevant to bsnl absorbed .

The issue is whether the DOT can take a lead for BSNL absorbed pension revision. Yes they can take it provided there is no such absorbed category on 1-1-2016. But in our case there are lakhs of pensioners belonging to post 2016/ post 2017. As absorbed employees, they cannot be treated differently one for pre 2016/ pre 2017 and another for post 2016/ post 2017.

FCI food transferees is in different position, and there is no such issue like post 2016 for them. But our case is different and pre and post are still greatly linked.

So it seems that the letter addressed to the DOT Secretary on Dec 29th 2023- quoting Dec 13th 2023 is having no relevance to bsnl absorbed as it does not feel the presence of post 2016/ 2017 section , in lakhs .

Happy and healthy New year to all.

9 am Dec 31 , 2023 R.Pattabiraman

2024

47

jan 10 2024

Understanding the facts while analysing the views- Pension Revision

Fact Number 1: BSNL unions are demanding pay revision from 1-1-2017. Most of the pensioners' Associations are demanding pension revision as per CPC, quoting PBCAT and orders for food transferees as per CPC and CDA.

Fact number 2: Applicability of CPC means, the date is 1-1-2016 for anything and everything.

Fact Number 3: There cannot be any solution to pre 2016/ pre 2017 Retirees as per CPC/ PRC without finding solution to post 2016/ post 2017.

Fact number 4: solution can be possible only thro CPC as that of food transferees, if there is no one like post 2016 cases in BSNL. But lakhs are there in that category in BSNL.

Fact number 5 : If solution analogous to food transferees for pre 2016, then it may be possible to take pension as on 31-12-2015 as basic to calculate his or her new pension that is revision.

Fact Number 5 : In the case of post 2016, for any change in pension, they need a pay change in their existing pay on 31-12-2015. They were all in their second PRC scales, a stagnating one. Unless pay scales changed, enhanced pay as per computation as that of pre 2016 is not possible. If CPC, what is that pay scales- CPC scales equivalent to that of IDA scales of 2nd PRC scales?

It seems that , the leaders demanding pension revision, repose faith in the DOT, somehow DOT may find a solution for post pensioners also, if they accept CPC without going appeal , as the MOC is showing green flag .

It seems that some leaders are taking the position that no pay scales are necessary for computing new pension and refusing to answer how that is possible to shift an employee from his pay when becoming pensioner after 1-1-2016/ 1-1-2017 (CPC/ PRC) from his 2nd PRC scales. Can that be possible to enhance his pay by continuously keeping him in second PRC scales is the serous question to find suitable answer.

DOT in their own adroitness, found a way out for post 2017 , in the absence of pay revision and presented the same in their Oct 17 th 2022 notes on 3 rd PRC . The issue on that was nil fitment.

Can the DOT settle CPC fitment with CDA to both pre 2016 pensioners , and post 2016 employees turning to pensioners- by the same yardstick, taking the scales of CPC- is the serous question to be addressed. In that case all TUS, Associations of pensioners tacitly go with that?

Hope pensioners will give ears to the facts , though every one has a right to hold his or her views.

- 08.45 hrs 10-1-2024 R. Pattabiraman

feb 12 2024

No question of Fault Finding but for understanding - BSNL pensioners are requested to read the following carefully

Regarding pension revision for bsnl absorbed pensioners, two views are prevailing. One is as that of 3 rd PRC, which would not upset the connectedness existing amongst the employees absorbed as a single class on 1-10-2000. As long as some employees of that single class are existing on a particular date as employees, PRC is the way to solve the issue of pension revision of both pre and post pensioners on a particular cut off date. DOT in its Oct 17 th 2022 also stood for this , but the issue is nil fitment.

The other dominant view is - this is the time to find a permanent remedy by delinking pay revision of bsnl and linking with CPC pensioners - not only to get the benefit of 7 th CPC but for availing straight the benefits of future CPCs. The leaders having this commitment, done their level best and got also CAT judgment, favouring pension revision analogous to CPC benefits .

They are trying to convince DOT also not to go appeal against the CAT judgment. It seems that DOT is tight lipped and non committal in uttering any words regarding that.

Though one need not feel despair, but disappointment spreads amongst the pensioners as their expectations fail by the undue delay in taking a concrete decision and lengthy process of discussions at various levels.

What are the known things with us from the written and authenticated forms as on date:

DOT’s Oct 17 th presentation of 2022, and the leaked note sheet up to DOT secretary’s signature

PB CAT Delhi judgment

DOPT OM dated 16th March 2016 - guidelines to take the appropriate actions on getting the judgment in favour or against the policies of Govt

Two of the associations recent observations on meeting DOT officers concerned

Com Prahalad Rai:

Dir Estt mentioned that matter is under discussion at top level but decision is yet to be taken. He advised to wait. About social media informations, he was non committal.

Com Vara Prasad :

DOT mentally prepared to implement CAT judgment without preferring an appeal. All officers are tight lipped about the actual proposal but we could understand that they have two or three options for implementing the judgment .

It is clear that DOT is interested to find a permanent solution and at par with CG pensioners as we demanded..

..the whole process will take at least 6 months because a policy decision has to be taken to delink pension revision from pay revision and related issues.

After reading all these statements, one may feel

DOT is for pension revision (known by its written commitment of Oct 17th and the leaked note sheet)

DOT is judiciously examining the CAT judgment in the light of DOPT' s guidelines and may take appropriate action strictly as per the guidelines- whether going for an appeal or implementing the judgment

It seems that DOT is fair enough to implement pension revision analogous to CPC, by the necessary revision of the earlier note sheet which one gone up to DOPPw level or placing as other option to the earlier note sheet in the new light of judgement favouring CPC, circulating to the nodal ministries like DOPw, DOPT, DOLA and finally to DOE of finance to prepare draft cabinet note for approval to issue any pension revision order.

What one can infer:

If the date of pension revision is from 1-1-2017 as per the prayer of the associations in their OA of PBCAT, then it can be as per PRC only. In this case the issue is with post 2017 pensioners. There is no issue in IDA here.

If pension revision is analogous to CPC as per the judgment, then it can be from 1-1-2016, because applicability of CPC cannot be from 1-1-2017 as per the prayer of the associations in their OA. In that case the issue is with post 2016 pensioners. Another issue is regarding CDA. Applicability of CPC means CDA only. The third issue is appropriate amendments in the 37 A rules. It is difficult to presume that We will be allowed by the authorities to avail the best of both CPC and PRC, beyond the present rules as per 37 A.

NFTE is reporting after their negotiations at Dir HR level that wage revision negotiations may start shortly. I do not know if any settlement is reached , what will be the impact of that for post 2017 pensioners . There is no question of 1-1-2016 here for them as their wage revision is due from 1-1-2017.

DOT cannot take its own decision regarding the issue of appeal or no appeal about court cases. It has to follow strictly the DOPT guidelines issued then and there. I do not know if the CAT judgment we are citing has any impact on policy of the GOI or against the present policy (if any so) of GOI that pension revision is linked with pay revision .

The above points of mine are just analysis of the present situation given to me as per the written docs of many sources. I am not finding any faults of any one's steps or

sincere actions taken for the welfare of lakhs of pensioners. Only for understanding of the situation and the process, I have given the above analysis.

Best wishes to all the leaders striving for solution and their laborious works.

12 -2- 2024 9 hrs - R Pattabiraman

feb 25 2024

ஓய்வூதிய மாற்றம்- ஊதிய மாற்றம்

பி எஸ் என் எல் ஓய்வூதியக்காரர்களுக்கு ஓய்வூதிய திருத்தம் குறித்த கோப்புகள் நகர்ந்து வருகிற செய்திகள் தரப்பட்டுக்கொண்டிருக்கின்றன. நிதி அமைச்சக செலவு இலாகாவிற்கு கோப்பு போய் அங்கிருந்து அது டி ஒ டி இலாகாவிற்கு வந்துவிட்டதுவரை தினம் ஒரு செய்தி வந்துகொண்டிருக்கிறது. கோப்பு 'ஒன்றுக்கு மேற்பட்ட முன்மொழிவுகளுடன்' சுற்றுக்கு அனுப்பப்பட்டுள்ளதாகவும் சொல்லப்பட்டு வருகிறது. இதன் நம்பகத்தன்மை பற்றி சாதகமாகவோ பாதகமாகவோ கருத்து ஏதும் கூறமுடியாது. எல்லாவற்றையும் கேட்டுக்கொள்ளலாம்.

நமக்கு அதிகாரபூர்வமாக தெரிந்த விவரங்கள் என்பது இலாகாவால் அக் 17 ல் கொடுக்கப்பட்ட விவரங்கள் மட்டும்தான். அடுத்து நம்மிடம் இருப்பது கசியவிடப்பட்ட ' note sheet'. அதில் DOT secretary வரை ஒப்புதல்பெறப்பட்டுள்ளது. DOPPw தனது post 2017 கேள்விக்கு DOTயிடமிருந்து பெறப்பட்ட notional fixation என்கிற தீர்வும் காணப்படுகிறது. இவையெல்லாம் 3 rd PRC அடிப்படையிலான முன்மொழிவுகள். பங்கேற்ற அசோசியேஷன்களுக்கு nil fitment என்பதில் ஏற்பில்லை. சில சங்கங்களுக்கு PRC என்பதில் ஏற்பில்லை.

வழக்கு மன்றம் சென்றவர்கள் PB CATல் ஊதியக்குழு அடிப்படையில் பென்ஷன் மாற்றம் என்கிற தீர்ப்பை பெற்ற பின்னணியில் அத்தீர்ப்பை DOT பரிசீலிக்க வற்புறுத்தினர். அவர்கள் 1-1-2017 முதல் என்பதிலும் 119.5 இணைப்பு என்பதிலும் PRC யிலிருந்து மாறுபடவில்லை. CPC fitment என்பதிலிருந்து derivative ஆக 32 சதம் என்பதை சேர்க்க வேண்டினார்கள்.

இதுவரை பி எஸ் என் எல் ஊழியர்களுக்கு (கவனிக்க ஊழியர்களுக்கு) கொடுக்கப்பட்ட CPC பலன்கள் ஊதியக்குழு தேதியான 1-1-2006 லிருந்தோ , 1-1-2016 லிருந்தோ மட்டுமே கொடுக்கப்பட்டுள்ளன. பென்சன் மாற்றம் PRCயின்படி 2011ல் (1-1-2007முதல்) வந்தபோது குறைந்த பட்ச பென்சன், 80 மற்றும் வயதானவர்களுக்கு கூடுதல் பென்ஷன் அமுலானது. இம்முறையும் குறைந்தபட்ச பென்ஷன் ரூ 9000 காத்துக்கிடக்கிறது.

நம்மிடம் எழ வேண்டிய கேள்விகள் அறிய வேண்டிய பதில்கள் இருக்கின்றன.

நீதிமன்ற (CAT) தீர்ப்பு குறித்து DOPT க்கு என்ன கொடுக்கப்பட்டு ஒப்புதல் பெறப்பட்டுள்ளது .

முன்பே DOPPWக்கு எழுதப்பட்டு விளக்கம் தரப்பட்டு பதிலை பி ஆர் சிக்கென பெற்ற பிறகு, சி பி சி என்றால் அதற்காக DOPPw க்கு எழுதப்பட்டதா - அதற்கான முன்மொழிவை DOT வைத்திருந்தால் DOPPwவிடம் ஒப்புதல் பெறப்பட்டதா. அப்படி பெறப்பட்டு இருந்தால், அது post 2016/ post 2017 க்கான அனாமலி தீர்வாக என்ன சொல்லி பெறப்பட்டுள்ளது.

இரண்டு இலாகாக்களும் DOT - DOPPw ஒன்றில் தெளிவாக இருப்பார்கள் என்றே நம்பவேண்டியுள்ளது. அது there cannot be any confusion for ‘pre or post’ whether the revision is as per PRC or CPC. DOT இதன் காரணமாக வேறு ஒன்றிலும் தெளிவாக இருக்கும் என்றே நம்ப வேண்டியுள்ளது. Any pension revision settlement will not lead to any confusion to the settlement of pay revision in BSNL if any in near future. Pay Revision means only from 1-1-2017.

ஊதிய மாற்ற பேச்சுவார்த்தை மீண்டும் பி எஸ் என் எல்லில் துவங்க இருப்பதை அறிகிறோம். இரண்டாவது பி ஆர் சி ஊதிய நிலைகளிலேயே தங்கி தேக்கநிலையில் இருப்பதைவிட, மூன்றாம் ஊதிய நிலைகளுக்கு ஊழியர்கள் செல்வது மேல் என்பதை உணர்வது நலம் பயக்கும். அது அவர்களின் இன்க்ரிமெண்ட் பலனையாவது உயர்த்தும்.

இதற்குரிய வகையில் மூன்றாம் ஊதிய நிலைக்கு , இரண்டாம் ஊதிய நிலையைவிட்டு செல்வது அதி அவசரமானது என்கிற புரிதல் அவசியமாகிறது. நிர்வாகம் சொல்லும் பிட்மெண்ட், ஊதிய நிலைகள் பிரச்சனையாகலாம். Pre 2017 பென்ஷனர்களுக்கான பலனைவிட அது குறைவாக இருக்க முடியாது என்பதை நிர்வாகமும் அறிவர். அதை Joint Recommendations (that is proto settlement) என்பதில் ஷரத்தாக்க முயற்சிக்கலாம்.

இரண்டாம் ஊதிய நிலையில் தேக்கத்தில் இருப்பதைவிட மூன்றாம் ஊதிய நிலைகளில் சென்று , அங்கும் stagnation increments விதிகளை தாண்டியும் தேக்கநிலை ஏற்படாது என்கிற உறுதிமொழியை பெறலாம். அப்படி நிர்வாகத்தால் அந்த உறுதிமொழி தரமுடியாவிட்டால், some mechanism like new promotion policy to avoid stagnation என்கிற உறுதிமொழியை Joint Recommendations ல் ஷரத்தாக்க

முயற்சிக்கலாம். Clinching the issue for taking the employees to 3 rd PRC from the stagnated 2nd PRC என்பதற்கு முன்னுரிமை கொடுப்பது நல்லது.

ஊழியர் நிர்வாகத்தரப்பின் இணை பரிந்துரைகள் வந்தாலும் அவை remuneration committee, board ஒப்புதல் பெற்று DOT செல்லவேண்டும். ஏற்கனவே 74 மாதங்கள் தாமதத்தில் இருக்கிறோம். இணை பரிந்துரைகள் வந்த பின்னரும், இன்னும் கூடுதல் மாதங்கள் பல கட்ட ஒப்புதல் உருப்பெற தேவைப்படலாம்.

Joint Recommendations என்கிற கட்டத்தை தவறவிடாமல் clinch செய்யமுடியுமா என்கிற சவால் இரு முக்கிய தொழிற்சங்களிடமும் இருக்கிறது.

இவை எல்லாவற்றையும் கணக்கில் கொள்ளாமல் (pre and post) DOT pension Revision என்பதை கையாளாது என நம்பலாம்.

25-2-2024 13 hrs R. Pattabiraman

march 10 2024

BSNL Non Executive Wage Revision

The recognised unions are seriously trying their level best to bring some amicable settlement balancing the existing unfavourable DPE OMs, BSNL financial conditions and the ever waiting employees aspirations.

Through their strong bargaining in the wage committee, they try their level best to bring Joint Recommendations for further considerations at various levels like remuneration committee, Board and finally to the approval of DOT.

If DOT Is basically for the wage revision then they have to issue presidential order for the Executive's wage revision. It seems that there is no visible move on that issue. There is a great connect between the Executive wage revision and Non Executives, as conflict clause is there.

Dot gave its nil fitment offer to all the unions during 2018-19 and assured thro BSNL minutes , on implementation of this, further consideration for 5 % would be there. This offer is not withdrawn till this date, it seems. We do not know about that further 5 % consideration of DOT. BSNL is not considering the 5 % fitment issue. The same nil fitment with IDA merger offer was also given to the Pensioners Associations by DOT during Oct 2022.

BSNL management has taken a position (as on date) that the earlier discussed (2018) 15 % fitment scales are not possible and so the new proposal of scales. It is up to the wisdom of unions to take or reject the offer of BSNL.

I have just gone thro the scales prepared by BSNL with nil fitment. The scales are designed after merger of IDA as per 3 rd PRC. The application of common sense is telling me the following. I cannot press the stakeholders and I should not also.

- Going to 3 rd PRC scales is better than sitting in the stagnated second PRC scales continuously (for the last 7 years) if there is no loss or any disadvantage.

- Stagnation is the question of addressing the end pay scales and the end pay scales are a serious issue for BSNL also as they have to do pension contributions on that basis. So finding a balance is good. Showing DPE designed Executive scale may not help in this regard in today's context.

- In the 'BSNL given 3 rd PRC end scales ' some scales are having lower ending positions, this we need to address. The end scale in NE 1, NE9 are lower, may cause stagnation comparing other scales. Even end scales NE 7, 8, 10 also need for some improvement.

- The end scales which after merger position having less than 6 stages are in need of our attention.

- Let us take NE 1 . After merger the end scale may come to 29240. The BSNL proposed end scale for this is 32000. From 29240 to 32000, we may have only 3 stages. This means an employee on the end scale of 2nd PRC on 1-1-2017 may get his stagnation in 3 years itself if he is having more years of service. Stagnation increment is there is a different matter.

- In the case of NE 9, the employee in his end scale on 1-1-2017 before merger, may stagnate within 4 stages of this new offered end scale. Similarly in NE7, 8, 10 they may stagnate after 5 stages . Other scales are having their elasticity or elongation above 6 stages (comparing end scale on merger with the new end scale)

- Why management is having different yardstick in stages in new end scales after the IDA merger in 2nd PRC end scales. One is 3, another 4 some 5 and some go even 9. They may have reasons. We have to get their clarifications and if possible improve the stages to some extent

- Management side is reporting there will not be stagnation to 95 % employees , when accepting the offered scales. On what date is the issue. On the date of issue of order or on 1-1-2017. This need to be clarified. On 1-1-2017 we can understand no stagnation. The issue is in subsequent stages.

- Facts only speak themselves. We need the employees figure of each scales as on date and as per 1-1-2017. In which scale the possible stagnation is found intense also need to be studied.

The issue of allowances may be desirable but difficult to clinch. After merger the employees in service may get some benefits in their increment as they are encashing the merged 119.50 also for increment purposes. In the case HRA , if the same % is allowed then good benefit will be there. But BSNL may think differently as they did during 78.2 .

The above are just my analysis. I am no one to push things. If any take away from this, I shall feel happy .

There are ways to reach destination. One can catch the moving bus even standing to reach. Another sitting in the halting bus, waiting with a hope of its starting, bothering not hours.

13 hrs 10-3-2024 - R Pattabiraman

march 27 2024

Pension Revision for BSNL absorbed case- regarding reporting of com Jogi

I happened to go thro a note written by Com G L Jogi of SNPWA after meeting Member (S) and DIR (E). I understand the following inputs or take away of their conversations.

-Filing of WP by DOT is only an pre- emptive legal move to legally insulate secretaries of DOT, DOE and DOPPw

-Pension revision currently under consideration of DOE and DOPPw seems , may take more time than expected by DOT and so the need of WP .

-Filing WP and pursuing pension revision are two parallel actions, independent of each other and must be seen in that context alone, nothing less or more than.

As associations going to the table of Officers, they have to take their words and faithfully report the same as the leaders understood in that to their members. Fine.

One cannot go with any unfaith to the officers and cannot call them betrayers, as all should go to them only to settle the issue. But there will be many ifs and buts to discern and for this one has to find the missing dots to graph our understanding .

DOT is expected to report honestly or give feedback about the position of DOPT and its directives regarding the PBCAT judgement. Specific guideline is there if any policy deviation in the judgment, they have to prefer appeal to quash that.

DOT is expected to be fair enough and ready to share the information that it received from DOE, DOPPw and DOPT , if any well wisher apply RTI and seek the same.

Unless we are taken into confidence by DOT in sharing the positions of DOE and DOPPw, it is difficult to understand fairly about the simultaneous action and proceedings of pension revision and its directions.

If no sharing is the position of the date, then what are the options of the associations.

If DOT is ready to convene another meeting with all the associations like Oct 17 th type by the present Member services himself, then it is good. If not the case then leaders like Jogi or any leader can request DOT to convene such a meeting to clear any misunderstanding about their WP , because we can get their views thro some minutes or power point presentation.

Simultaneously as DOT is pursuing, the associations are having no other go and as per their wisdom can meet DOT in the legal battle fighting the position of DOT as given in WP. The question before associations is whether they want to go unitedly or separately as their wisdom dictates.

The written position of DOT in their WP is, no pension revision is possible unless pay revision, as that is the settled law.

The earlier position of DOT shared with the associations on Oct 17 th, 2022 and thro the leaked note sheet is

Pension revision in the absence of pay revision with nil fitment as per 3 rd PRC, taking care of post 2017 also through the mechanism of notional pay fixation and, if necessary thro the amendment of 37 A sub rules.

It is reported by Com Jogi two parallel actions of DOT as claimed by officers , independent of each other. We do not know which action is going to be subsumed by which, whether legal or departmental. One has to wait to know that.

0830 hrs 27-3-2024 R. Pattabiraman

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march 24 2024

Approach unitedly

The general guidelines issued by DOPT is specific, if any court order goes against the existing policy or rules of the GOI, then prefer appeal against it to reiterate the framed policy.

In BSNL absorbed pension revision case, the PBCAT order is construed as a direction against the existing policy and so DOT might be advised accordingly.

The existing policy is pension revision to the pensioners on a particular date is on account of pay revision on that date to the employees. This pension revision is based on the law of the land.

Ignorance of the existing rules cannot be an excuse to blame the other side and calling them names.

In their appeal sent to Delhi HC, DOT has taken a position that pension revision is not a warranted one in the absence of pay revision. There is no rule for pension revision in 37 A. The pay revision in BSNL is yet to be decided, as the 3 rd PRC affordability class is there. So they want stay to PBCAT order and so this appeal to quash the same.

At least some of us understand objectively the existing policy and know the mind of DOT. But that is not going to help the problem of today.

In the earlier PBCAT case both the sides preferred not to show the docs of Oct 17 th 2022 and the note sheet circulated in the social media for their own reasons . In that DOT was in a position to deviate from the existing policy of pension revision. They showed their inclination to examine pension revision in the absence of pay revision(3rd PRC basis) and assured DOPPW by the mechanism they found viz. notional pay for post 2017.

They thought that this mechanism with IDA merger on 1-1-2017 with nil fitment would solve the issue of anomaly between pre and post 2017 pensioners .

But some associations did not accept that position and pursued their court case and so the PBCAT.

Already 7 full years gone. Further court proceedings may take its own months.

If the associations having different understanding, one on PRC and the other on CPC , may find difficulty to approach things jointly. They can move together only on one issue that is pension revision even in the absence of pay revision. In that case , they cannot tell in what form ‘PRC or CPC’ , then only they can go together.

In the case of CPC, the associations gone to CAT may go together. Com OPG during his times , endeavoured common memo to CPC and common approach when facing evidences. Like that, the associations having faith on CPC demand settlement may face the trail of Delhi HC jointly. This may give some confidence to their members.

Those pursue the case on PRC way , on their understanding of reality , may do their efforts continuously to encash the demand of pension revision in the absence of pay revision as agreed by DOT on Oct 17 th , 2022. There the issue is nil fitment.

If DOT takes a positive decision at the behest of BSNL, on BSNL Executive pay revision seeking exemption from affordability clause, then confusion prevailing upon the pension revision may find its end road. This would solve both the issues of pay and pension revision of entire BSNL brotherhood in today's context. The issue is the 'inter connectivity' of BSNL absorbed as a single class.

Hope united approach of all the stakeholders may give at least some solace .

0840 hrs 24 - 3- 2024 R Pattabiraman

march 31 2024

Thinking Rationally

DOT in its initiatives to the revision of pension for pre 2017 Retirees of absorbed BSNL felt the following preliminaries (in the absence of any Pay Revision in the BSNL) need to be set right before the pension revision case could be processed for approval of DOE/ Cabinet.

A. Rule 37 15 a regarding emoluments based on the pay drawn in PSU as per IDA pattern would be needed to be relaxed by DOPPw.

B. A decision would require to be taken by DOPPw whether PPO on notional pay can be given or not. If decided so relevant pension rules (rule 44) need to be relaxed by DOPPw.

C. DOPPw may also advise if any other kind of anomaly may arise Out of this situation.

Then DOT opined in case if the above is agreed in principle, then DOT can act on further things . What are they

D. PSU division in DOT would notify the approved 3 rd PRC scales for the purpose of revision of pension of pre 2017 IDA pensioners.

E. BSNL would notify the revised scales for non executives to enable their pension revision along with that of Executives.

F. BSNL would need to pay pension contribution of its serving employees at 3 rd PRC scales w.e.f 1-1-2017

The inference from the above position of DOT taken during the year 2022 may be:

It seems that DOT contemplated to that extent of (PSU division) issuing notification of 3 rd PRC scales for Pension Revision of Executives, provided the preliminaries are addressed before going to the approval of DOE/ cabinet .

But the PSU division till this date , it seems, not acted on the issue of notifying the Executive scales and no notification issued. But we were told that the file sent for DOE consideration.

The second inference one may have from the DOT’s positions of 2022 :

Associations demanded

1. Pension Revision in the absence of pay revision

2. Date of effect from 1-1-2017

3. IDA merger 119.50 on that date

4. Fitment as per PRC 15/ 10/ 5 % / CPC fitment 32 % of the basic.

DOT accepted the first 3 positions of all the associations where we found complete unanimity. On the 4 th fitment issue DOT was for nil fitment .

In their note sheet, they rejected the demand of CPC fitment saying it not logical. It was gone up to the level of Secy DOT and even to DOPPw.

In the PBCAT judgment favouring CPC to the BSNL absorbed pensioners, DOT has taken the position of filing WP at Delhi HC to obtain stay/ quash the order.

In this context the position spelt by DOT is:

Pension revision is possible if any pay revision is there- that is the settled law, as there is no separate or any specific rule for pension revision. In the case of CPC, it was pay revision and pension revision. CPC is not for pension revision alone., it is for pay revision basically.

The rationality behind this is:

One cannot transform himself or herself as pensioner unless one exercised their stipulated period as employee and qualified to get pension, except the family pensioners. For pension the root is pay .

Now the questions before us are :

Are we going to dogmatically fight for CPC fitment , from 1-1-2017, Which was rejected by DOT already? Are we going to fight the implementation of CAT order favouring CPC as per rules- in that case it is from 1-1-2016 and CDA ? This was cited as one of the demand of an association in DOT's note sheet.

If we pursue legal battle for CPC from 1-1-2016, then what is the mechanism for post 2016 and how it is compatible with the pay revision of employees as on 1-1-2017. Whether that mechanism is spelt by DOT to DOPPW and got its tacit approval. How those post 2016 employees would be brought into CDA pattern of scales? In that case in BSNL , there would be two set of employees those absorbed and retiring in CDA pattern from 1-1-2016 , those directly recruited in IDA scales either in second PRC, if any pay revision in 3 rd PRC.

These are some questions that need distinct clarification from the authorities concerned.

The questions before those associations pursuing revision on the basis of 3 rd PRC :

Persuading DOT to go beyond nil fitment to the possible position of DOT , taking BSNL' s financial constraints also into account. Unless continuous pressure is given , it is difficult to make DOT to move beyond nil fitment. Maximum Joint efforts of like minded associations till reaching logical end of the issue may be needed. Comparing CPC efforts, the efforts here is not that much hard one, as DOT was for pension revision on the lines of PRC .

How to end confusion ?

It seems that no pensioners associations is allergic in demanding pay revision to employees, as all supported the call of the unions. If one have that faith of changing the settled law of the land in the case of pension revision, one may also have the faith of bringing exemption to the affordability clause to settle pay revision also.

Pressing Pay revision would solve all the connecting issues.

Pension revision is connected with pay revision.

Non Executive pay revision is connected with Executive pay revision.

So the key is Executive pay revision. If the Executive Associations pursue the pay revision issue seriously like that of NON Executives, making DOT to move for exemption from the affordability clause, then the prevailing confusion would find its dust settled.

Whether the DOT , though once ready for notifying pay scales for pension revision of retired executives, would take the matter of notifying scales for revision by finding some mechanism for Executive pay revision? This serious question need to be addressed to solve both pay and pension revision amicably.

- 09 hrs 31-3-2024 R. Pattabiraman

ap 10 2024

Before and After PBCAT

Before CAT judgment, the position of DOT was more or less similar to the positions of all the pensioners associations of bsnl absorbed.

-Pension revision in the absence of pay revision

-Pension revision from 1-1-2017 (3rd PRC)

-IDA merger 119.5 % (3 rd PRC)

-Post 2017 Mechanism for pension updation as per pay changes on 1-1-2017 (DOT for notional pay to fix pension in the 3 rd PRC scales)

On the above 4 aspects there were complete unanimity amongst the associations with the DOT as on Oct 17th 2022.

The main difference is on fitment issue. DOT was for nil fitment. Some for higher PRC fitments and some other for CPC derived 32 % fitment.

The other issue is about pay scales. Some for 3 rd PRC scales for both Executives and Non Executives. The other one demanding CPC fitment is silent on pay scales , and they think that scales not necessary.

Though in the most of the areas as said above complete unanimity reached by the associations with DOT, the issues of fitment and pay scales made them differ. So stalemates reached after Oct 2022.

After PBCAT

The core directions of PBCAT are

-The competent authority is directed to forthwith revise pension

-Pension revision where ever applicable

-Revision of pension strictly in accordance with the relevant rules and entitlement governing pension to employees of the central government

-maintain strict parity

-Revision of pension as notified by the CG on the recommendations of pay commission shall stand extended in favour of the applicants, analogous to the revision of such pension in the case of CG pensioners

Relief sought by the applicants

-The Applicants (associations) sought relief from 1-1-2017 and on IDA. But CPC means only from 1-1-2016 and CPC means CDA only. Maintain strict parity cannot be

reduced only to the issue of fitment that is derived 32 %. There is no explicit direction by PBCAT to revise pension from 1-1-2017 or with 119.5 % IDA and the derived 32 % as relief demanded by the associations.

-Revision of pension as notified by the CG on the recommendations of pay commission shall stand extended - does not mean relief from 1-1-2017 with 119.5 % IDA merger and the derived 32 % fitment.

-The relief sought by the applicant associations were of a strange mix of both 3 PRC (date 1-1-2017, merger IDA 119.5) and CPC (fitment 32 % a derived one) . There is no mention of 3 rd PRC elements in the PBCAT.

-Except the word CPC (for pension revision) , no relief sought by the associations are found in PBCAT .

The position of DOT after PBCAT

-Dot filed writ petition gone to Delhi HC seeking to quash the PBCAT order dated 20-9-2023.

-The decision of PBCAT is contrary to the record and settled law.

-The absorbed BSNL and MTNL employees cannot be treated at par with CG employees

-The absorbed employees are only entitled for pension, they were not entitled for revision of pension because there is no provision of revision of pension under the CCS pension rules 1972.

-CPC is applicable to the CG employees and not for CPSEs

-CPSE employees and CG employees are two different categories and governed with two different pay scales - CDA for CG and IDA for CPSE

-The tribunal failed to observe that the respondents (associations) desire is to have the benefit of higher scales of PSU IDA scales and better pensionary award of Govt by having the scales and fitment factors of the Govt which are for CG employees and this cannot be allowed to choose what suits them at a particular juncture as the same is violation of rule of law.

After PBCAT , now there are 3 positions. One of PBCAT directions, the second relief sought by the applicants in the mixture of both PRC and CPC derived fitment and third the position of DOT.

The DOT position as on date is dire opposite to the directions of PBCAT. The PBCAT directions are not entirely similar to the relief sought by the associations. So again the stalemate.

DOT and associations both find no way except to continue their legal battle, the one making of each other. Legal battle means uncertain and no finality of date is fixed when to culminate and where at Supreme Court or in lower courts .

Pensioners may enthusiastically encourage and strengthen the leaders by giving good contributions . DOT may be serious or as usual engage lawyers and fees as per the Govt norms. For associations, there is no such norms, they can spend any fees that is possible at their level and engage fine minds.

The associations that are fighting PRC with some higher fitment is no where in this battle lines. It seems that they are tired. But one should appreciate the leaders , though having the mixture of both PRC - CPC thought, they are active to fight in the courts. They get the support from the pensioners also.

In the name of permanent settlement once for all, the mixture thought associations are giving the feeling that they can win the desired battle.

Battle can be won when the whole absorbed move together as they are interconnected and find their uniform solution. This is mostly possible on the lines of PRC as on date and context.

09.30 hrs 10-4-2024 R. Pattabiraman

ap 19 2024

Appeal to AIBSNLPWA Leadership

The organisation that you are all striving to build and built is in support of thousands of BSNL absorbed pensioners. It is also the strongest association amongst the existing associations.

Expectations are naturally high from the leadership, to settle the issues and specially the major issue like pension revision. When the leaders of prime positions address meetings , the pensioners are listening them with rapt attention and with all faith.

But we find no democratic organisation without dissenters . Com O P Gupta tried his best to practice his often quoted slogan that Majority should not be intoxicated and minority has no veto.

Most of the organisations are acting on the basis of majority decision and so ‘no say of any dissent voice’. But dissenters without any ill intention always try to echo their voice and write what they feel right, with the fond hope to make the leadership to realise and correct their path . Dissenters may succeed , may not succeed.

Indian experience of democracy and its exercises are giving ample proof that there cannot be any permanent majority in the name of any party or group. Majority has its own political locus and it traverses as per that time’s necessity and context. If the views of opposition parties are suppressed, then we all feel that the ruling dispensation is going more and more authoritative, and so we raise our concern against such authoritative trend.

Our organisations are having more less the practice of parliamentary democracy . The decisions arrived out, after discussion on the basis of majority would normally be implemented by the leaders at the helms of affairs. No dissenter can stop that. It does not mean no dissent is permitted. The space for dissenters are not big ,even a small one only. But dissenters are dissenters.

Leaders need not feel embarrassed, as some dissenters are airing out their voices. If leaders are strongly committed to the decisions taken on the basis of majority, they are doubly take steps only to implement the same.

The democratic rating of any organisation is greatly proportional to the endurance of the leadership in not stalling the dissenting voices .

Some cadres who are proactive may feel negative about the dissenters, but the duty of the leadership who got the strong support of those cadres, should show restraint and pacify the cadres who are vocal to annihilate dissenters through organisational actions.

I hope that the strong leadership that have a majority support , would not allow their cadres intoxicated and definitely the dissenters cannot have that veto to stop the efforts of the leadership who may be committed to implement as per their wisdom.

The dignity of any one, may be leaders at top positions or state level , district level, branch level or even an ordinary member should not be damaged , just because he or she has some views whether agreeable with majority or standing as dissenters.

In this PWA also, some of the present leaders were once dissenters when they were working in their mother TU organisations. Suspicion is always a great disease . Hoping good sense prevail in handling dissenting voices with all fraternity.

19-4-2024 13 hrs R. Pattabiraman

may 11 2024

Let Common sense be our companion

It seems that as on date, Central Govt is not showing any intention to frame 'Separate rules for Pension Revision' for CG pensioners and so there will not be any question to any rule for pension revision to BSNL Absorbed pensioners also. Both CG pensioners and BSNL absorbed are having pension rules with intended sub rules. It seems that both the main national parties are not interested to place 8 th CPC in their manifesto.

Govt is doing pension revision to their CG pensioners along the pay revision of its employees through CPC and on the basis of the recommendations . For BSNL absorbed also, there was pension revision after pay revision of their employees w.e.f 1-1-2007.

Regarding CG pensioners, they got their pension revision as per 7 th CPC OMs of DOPPw simultaneously with their employees w.e.f 1-1-2016. For BSNL absorbed pensioners , no such revision is there till date.

PBCAT Delhi has directed to revise the pension of absorbed as per the rules analogous to CG pensioners. Here rules meant what is the question that need clear answers beyond doubt. There is no such pension revision rules for CG pensioners. OMs are there for revision. If that is construed as rules then , no question of pension revision as demanded by pensioners' associations from 1-1-2017. That date is not connected with those OMs.

If the rules are meant 37A , there is no provision in that for pension revision. When there is no general rule for pension revision to CG pensioners, no question of amending this 37 A by inserting some sub rule for pension revision.

So what the CAT is meaning by stating the direction according to rules, is to be clarified. Or the associations gone to the CAT and got that judgment should clarify, what they think as rules for pension revision, barring that OMs of DOPPw, if any.

DOT has taken explicit position that , they cannot implement CAT judgment and so they have gone to Delhi HC to quash the same . On the other side, associations have gone for contempt petition to pull up DOT for not implementing the direction as per the rules analogous to CG pensioners.

If anybody knows what that rules the CAT directing, can kindly clarify publicly to get the clarified views on the judgment and the contempt.

I hope fighting in the air with good financial sticks or any shadow fight quoting irrelevant things , to satisfy one' s ego would take us no road.

It seems that as on date both DOT and BSNL are not in a mood to budge an inch in their respective positions. They offered 3 rd PRC scales with IDA merger but without

any fitment. They want to use some loopholes in the 3 rd PRC recommendations to settle the issue of both pay revision and pension revision, without seeking any exemption to the DPE OMs.

Associations can break their heads to attain what they desire, and knock the doors of Courts, as they have sound finance conditions , but efforts should not go wasted. If futile attempts are the only returns, then dissatisfaction and demoralisation may mount.

The associations who are all in the same or near the same positions of DOT are mostly inactive, and it seems away from the issue , leaving things to the fate.

One cannot grope long, should find light , but dogmatism will never help to find any ray of light.

Common sense is the best companion for both the associations as well as to the Trade Unions. Let us not close door to common sense.

11 hrs 11-5-2024 R. Pattabiraman

may 22 2024

Pension Revision in the light of RTI reply

I happened to go through ‘the advice or comments of various concerned ministries’ , sought by DOT in connection with PB CAT judgment dated 20-9-2023. BSNL absorbed pensioners should thank Shri Amar Nath Thakur of Kolkata for getting this information through RTI.

The replies given by the departments are very clear , regarding this case.

Department of Legal Affairs in its advice dated 20-10-2023 opined:

5. Rule 37 of CCS pension Rules 2021 provides, conditions for payment of pension on absorption consequent upon conversion of a Govt department into a PSU. Further…

6. In view of the above, it is the domain of the Govt to specify the manner in which financial liabilities shall be met in this regard. As per the referring department, the combined service pensioners are governed by PRC recommendations. Though, recommendations of the 3 rd PRC has been implemented in most of the PSUs, it has not been implemented in the BSNL/ MTNL, so there is no thrust to revise the pension of the retired employees.

7. Taking into account factual matrix of the case in hand and rule position in this regard, it seems to be a fit case for challenge. However, DOT may take decision in consultation with the DOPPw and DPE being nodal departments on the issue in hand.

Advice given is : ‘a fit case for challenge ‘ with a rider of lenience to consult nodal departments.

DOPPw in its reply commented (dated 15-11-2023):

3. Since the Hon’ CAT has ordered for revision of pension and family pension as per relevant rules, it is for DOT to take administrative decision in the matter DOPPw has no further comments to offer.

Here, It seems that , one can have perception so, DOPPw is evasive, not openly advised DOT to challenge the case, but indirectly pointed out the responsibility of DOT to take administrative decision about the case . DOPPw felt that DOT is the competent authority to revise pension strictly in accordance with the relevant rules. Everyone knows that DOPPw is the department for ‘pension related rules’ and its interpretations. Normally, if DOPPw agrees with a position , then it gives no objection to execute the same. Here we found neither explicit ‘no objection’ for challenging the case, nor for implementing as per the rules DOPPw feels right.

But for DOT , the only pension related rules given by DOPPw for absorbed employees retiring , is rule 37 A, the present rule 37 of 2021. That rule is only for fixation of pension to all the absorbed retired, retiring and to be retired as per their pay . Not for any revision of pension. For pension revision, DOT is following the practice, after if any pay revision is done in BSNL/ MTNL.

DPE in its reply dated 17-10-2023:

Mentioned about its OM dated 8-12-2020. We have to check what was conveyed in that om earlier to DOT. Then it added " that the matter concerns DOT and DOPPw and DPE has no role in the matter".

DPE correctly dragged DOPPW also here. But why DOPPw , if it is 'favourable to implement CAT judgement' is not advising or suggesting DOT a way out, as that is the department for pension related rules. It is the department which asked DOT how and what is its proposal to solve the pre and post 2017 anomaly , if pension revision in the case absence of pay revision.

If my memory is correct, I can recollect that during the time of inter ministerial discussions, DPE was in favour of implementing 3rd PRC linking with VRS. But that was not accepted by the committee led by Shri Amit shaw.

DOE in its reply dated 4-1-2024 is categorical.

2. In this connection, it is submitted that pension being derivative of pay needs to be revised in line with the applicable last pay drawn of the existing pay scales. Making any deviation in the existing criteria of pension fixation may have grave repercussions. In this regard , the view taken by the Administrative Ministry challenging the order of 20-9-2023 of the CAT appears to be appropriate. Accordingly , DOT is requested to defend the interests of UOI on behalf of secretary Expenditure. Dot is also requested to get the draft reply vetted by DPE, DOPPw and DOE before filing WP in HC of Delhi.

So DOE reiterated the criteria of pension derivative of pay relating to last pay drawn . DOE felt challenging CAT direction also an appropriate one. It guided further to get the draft of WP vetted with DPE, DOPPw and DOE. We do not know, how the ministries commented the draft , felt any correction before vetting. it is possible for DOT to go an appeal , it's WP Delhi , only after reaching proper understanding with all the said 3 departments.

It is difficult to differentiate the positions of nodal departments, when they decided to defend the hitherto criteria followed by UOI in deciding pension derivative of pay (so pension revision with pay revision) . Blaming any department as culprit will not help.

The challenge is real and hard. But the question is whether the associations' serious fight to challenge the existing method of fixing pension, executing pension revision, is going to succeed in the corridor of courts. Associations may feel the task is not an impossible one to fight out. Let me also wish them success.

Without pay, pension cannot be derived that is the rule of the day for both CG as well as BSNL employees on retiring. No nodal department mentioned if at all, none other rules except 37 A. No 7th CPC OM issued by DOPPw was mentioned . Some are arguing about rule 66 of 2021, which is not applicable to us, if they read correctly the connecting rules, including 37.

For pension revision, some associations have taken the position, that there is no need of new pay scales. This confusion need to be cleared amongst the pensioners. Let us hope further escalation of positions Of both sides , do no harm to the future of bsnl absorbed pensioners.

17 hrs 22-5-2024 R. Pattabiraman

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aug 4 2024

Presenting facts as such and appealing DOT

The pension revision is in the cross road, we do not know in which direction it goes further.

There are pulls on equal side. With the support and the tool of PBCAT direction to settle the issue of pension revision , some of the associations are pressing 7 th CPC and contempt.

The counter pull is from DOT which takes up the case to Delhi HC, placing its argument of citing how the previous 2007 revision was done and so pension revision is not possible without pay revision. It is felt by DOT that the PBCAT position is not compatible with the existing rules and practices. They want stay to PBCAT judgment and also need of it to be quashed.

Four questions are here. All the questions and their answers are interlinked.

Are they never going to do any pay revision to BSNL employees?

Whether pension revision is not at all possible in the absence of pay revision?

The third one is if possible , what is the methodology - 7th CPC or 3rd PRC?

The fourth one is how to settle the anomaly between those pre and post 2017, as the demand is ‘pension revision from 1-1-2017 for the pre 2017 pensioners’.

Associations and DOT both are suppressing one factor in their legal battle for obvious suitable reasons of their own, the minutes of the meeting held on Oct 2022 and the signed note sheet of various levels of officers including secretary telecom just previous to that meeting period.

In that meeting and the said note sheet , DOT agreed to consider pension revision in the absence of pay revision on 3 rd PRC scales, but with zero percent fitment. In that note sheet , solutions were placed for all the three questions raised above, barring the first one of bsnl pay revision.

But the associations differed on contentions. All took position in negating zero percent fitment. Some associations already gone to PBCAT refused to accept anything as per 3 rd PRC and demanded as per 7 th CPC.

And so now we are all in the dead end, waiting in the verandas of court rooms.

The psychology of almost all the pensioners is that they want pension revision some how, as they have been eagerly expecting it for the last 7 years. The methodology is the headache of some leaders and officers of DOT.

DOT may feel about rules and practices and cannot apply any ego. Applying ego is not the grammar of any rule abiding administration. Associations also need not have any ego as a collective entity, but some leaders may have ego and they push it and translate it as an organisational ego. Their only rupture starts.

In this scenario DOT can reveal its mind in three ways for amicable settlement, convincing the Delhi HC the impracticability of applying 7 th CPC w.e.f 1-1-2016 as bsnl absorbed are combined service pensioners , and it leads greater anomaly to post 2016 retirees.

They can again openly present the position taken by them in the Oct 17 th 2022 meet and as per the said note sheet in the court , pleading possible fitment between 5 to 15 % as that of PRC.

They can convince the Delhi court , by this via media solution in the absence of pay revision.

The third way is, allowing BSNL to settle pay revision with the fitment in the range in between 5 to 15 % and thereby settling pension revision by DOT simultaneously. No court will deny or intervene in any administrative mechanism of settling the case for the the benefit of the so called victims, here the pre 2017 pensioners and post 2017 pensioners.

Pensioners cannot take a position not to repose any faith on DOT and DOT should also not to suppress its earlier position taken to settle the issue , even in the absence of pay revision.

3-8-2024 R. Pattabiraman

aug 31 2024

Blessing in disguise- There is a way out

Many comrades have sent and circulated the letter dated 23 rd Aug 2024, addressed by Hon' MoC Shri Jyotiradita Scindia to the DMK MP Shri M . Shanmugam regarding the issue of pension revision for bsnl retirees. One can appreciate the honesty of the MOC without giving any false hope like the earlier Minister, though the content of the letter is giving disappointment to lakhs of pensioners.

Hon' MOC has reiterated the position taken by DOT in all its official communications like 'Replies in Parliament and statements in Courts'. I don't find any suspicion on the part of DOT that they might have suppressed the meeting held by Member services with the associations of BSNL on Oct 17th 2022, and the earlier note sheet prepared on that background to the MOC.

That said note sheet was even got its communication at DOPPw level and we found no negative comments by that pension department to take pension revision issue in the absence of pay revision in the bsnl. We do not know what happened at DOE level,

any objection raised by them is not known officially till this date. The buck might have stopped there.

Unfortunately DOT is silent in quoting this offer or suggestion of it as mentioned in that note sheet or as presented on Oct 17 th meeting with the associations in the court rooms for its own . Associations that have gone to the court also failed on their part to take this truth to the court room and suppressed this Oct 17 th with the fond hope of pursuing their desire of 7 th CPC .

I feel the letter addressed to the MP is 'blessing in disguise'. One can find a way out , if the said note sheet and the outcome of Oct 17th presentation are submitted to the Delhi court with a prayer that DOT should continue the negotiation further beyond Oct 17 th of 2022 and amicable settlement with stakeholders should be done-and the same should be tabled to the Delhi HC. That will help lakhs pensioners to open the doors of negotiations with the DOT to improve the suggestion given on Oct 17 th, a way out to settle pension revision in the absence of pay revision , without affecting both pre and post 2017 categories.

The other associations who have given call for agitation should not isolate themselves from this court case, and if they feel correct they should be proactive to bring solution to the issue by submitting the said note sheet and Oct 17th presentations to the concerned court through their lawyers , as an important document should not go out of Delhi HC sight . Where there is a will, there is a way… 31-8-2024 10 am R. Pattabiraman

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sep 5 2024

Rule 37 A is all about Pension and nothing to do with pension Revision…

BSNL absorbed pensioners in lakhs are eagerly waiting for their pension Revision. Their last revision was done in 2007, and now 17 years have gone. One can understand their expectations, as their counterparts in CG were given pension revision in 2016 Itself as per 7 th CPC and they are all waiting for the notification of 8 th CPC. But the Govt is silent on that.

The hopes of the BSNL absorbed pensioners were enhanced on obtaining a PB CAT Delhi judgement , directing the concerned authorities of GOI to do pension revision analogous to CPC of that date. So expectations were gone high and hopes were also raised that 7 th CPC implementation as per PBCAT is not only possible but should be implemented in all its sense.

This September 2024 is the first anniversary of that PBCAT judgement , and now both the contempt at PBCAT and quashing the same at Delhi HC by DOT is going on as per the usual court practices. No one knows when they may attain its final and no one can also predict or assure that no further pursuing of that case at Supreme Court level.

Both legal law ministry and DOE of MoF felt that is a fit case to go for an appeal by DOT. DOT cannot do alone anything on this , as the other ministries , specially DOE is linked.

DOE is having the firm opinion “it is submitted that pension being derivative of pay needs to be revised in line with the applicable last pay drawn of the existing pay scales. Making any deviation in the existing criteria of pension fixation may have grave repercussions. In this regard , the view taken by the administrative ministry challenging the order of 20-9-2023 of PBCAT appears to be appropriate. Dot is requested to defend the interests of UOI on behalf of the secretary expenditure..”

No one can minimise or set aside the opinion of DOE which carries serious weight in all policy matters that bring additional expenditures, and against the law of the land on that date. So the sole responsibility is on the shoulders of DOT to defend the existing policy of GOI as on the date.

One can infer that Pension is the derivative of pay and pay scales of that particular date is the law of the land as on date . So For any pension revision we need the corresponding new pay scales, that is the whole idea in operation as on today.

37 A is created after our grand 3 days strike by lakhs of DOT workers of Sep 2000 led by com O P Gupta , and his wisdom made it possible to bring an finer amendment in 1972 CCS pension Rules for assuring pension from GOI as per the GOVt formula of that date for combined service. More than a lakh employees on Sep 2000 were below

10 years service and this combined service wisdom of com O PGupta only made them eligible for GOVt pension from the Govt , even though they not even put 10 years Govt service. Even a day service or a month service in DOT made them eligible to get Govt formula pension from the Govt. This is something a revolutionary achievement on the part of telecom workers who fought on those 3 days in the streets and got what they meant. Salute to com Gupta.

At the behest of the strike and settlement, the 37 A rules were framed for all those who are all getting absorbed from GoVt departments to PSUs enmasse. The rules are for fixing pension as per Govt formula (pension fixation, gratuity, qualifying service, commutation like) . Some exemptive clauses are given in that for bsnl absorbed employees . So we are getting pension from the Govt kitty not from any accumulated pension fund kitty. Again think the wisdom of OPG.

The prime question is all about PAY. Who is that determining one's pay ? In the case of CG employees, the CPC is determining their pay and so pension accordingly. In order to avoid anomaly, the pension of erstwhile pensioners are also revised as per CPC. If Any Pay revision as per CPC, then pension revision is the practice in vogue. If one gets pension revision as per CPC, then he or she needs the pay scales as per that. If we want that then the existing 37 A will not help us, we need amendment.

In the case of PSUs the pay and the pay scales are as per DPE guidelines and the applicable formula is extended to the Joint wage settlement in the case of NOn Executives. As per 37 A if any new pay and pay scales, accordingly pension is fixed. In order to avoid anomaly, the erstwhile absorbed pensioners would also get revision of their pension extending the same pay revision yardsticks . This was practised in 2007.

Now CG employees are expecting their 8 th CPC. They have to get their pay revised in some mechanism. As on date the mechanism is CPC. If no change in pay scales, there is no question of pension revision in the case of CG CDA pensioners.

So the question is about Pay for pay revision and for pension revision. The unions in the BSNL are struggling against all oddities of DPE guidelines to get their pay revision. Govt should give exemption to them for the same, as it is given to some industries. Some of the unions welcome the PBCAT also, as they are not against any pension revision in the absence of pay revision, also most of the leaders are pensioners there.

Now the associations gone to court are struggling their best to fulfil their demand of applicability of 7 th CPC in pension revision issue also, having CAT judgement in their favour. It is a long drawn struggle going on for the last few years. It is like holding the tail of a tiger, which is difficult to leave and also difficult to hold continuously.

Lawyers are thriving on at the cost of pensioners as well as GOI. Most of the leaders are giving the hope that their demand is possible within the existing rules. CAT is also telling the same . Let it not be a false hope. Best wishes..

10 AM 5-9-2024 - R . Pattabiraman

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sep 7 2024

Where there is light, there is shadow also

Pay is the mother of Pension

Any discussion is , only to find some consensus amongst the stake holders, without stamping each other. This is applicable in our bsnl absorbed pension revision understanding also. I am a person ready to learn, if corrected fairly.

We lakhs in number absorbed on Oct 1, 2000 as a flock together thro the conditions of 37 A applied on us. All of us agreed and given option to get that PO.

When we got wage revision from 1-1-2000 as absorbed employees in bsnl (fitting ourselves in IDA track) , those retired on or before 30-9-2000 were not given any pension revision on account of this, they continued in their 5 th CPC CDA scales only. No DOT retirees on that date demanded any pension revision also. This was because on that date there were no such 'pre person' comparing our revision on Oct 2000. They CG pensioners got their pension revision subsequently as per the reports of 6 th CPC and 7 th CPC from 1-1-2006 and from 1-1-2016 respectively.

As per 2nd PRC , we as employees of BSNL got our wage revision w.e.f 1-1-2007 and subsequently a section of our flock who retired during this time upto 31-12-2006 also got their pension revised. In the case of 78.2 issue also the same method was followed. All these things happened after some struggles and discussions only.

We are now in the period of 3 rd PRC. Unfortunately the pay revision could not done due to the affordability clause conditions of DPE. The committee of secretaries including the sect of DOT only finalised the recommendations and DOT secy did not ask any exemption as sought by the Coal secretary of that date. Coal administration justified that by quoting their common recruitment of their officers, even they posted in loss making coal industries, they should be given wage revision. They got their exemption in 2017 also , as they got in 2007 . In bsnl case in 2007, no need of any such exemption, as we were eligible for 2nd PRC DPE conditions.

In our case during 3 rd PRC, DPE advised us to take up the issue with the concerned DOT and indicated the decisions of Committee of secretaries, when the issue of affordability

brought to the authorities of DPE.

Unions fought together and they were given two different offers. One was thro the wage committee by BSNL , another thro negotiation with the then Minister as well DOT secretary level. DOT's suggestion was to get your IDA merged with nil fitment, subsequently we can think of fitment benefit at least 5 %.

Thro wage negotiations, 2 offers were given by BSNL . The earlier one was, come and sign in the wage committee with 15 % scales but all subject to all conditions. That was not accepted by the unions, as they did not entangle themselves in ‘conditions apply clauses’. Then that offer was put in cold storage.

The second offer was that they are ready for revision , IDA merger with nil fitment and scales accordingly. Management said that this offer is to avoid stagnation. Unions did not agree that stagnation still would be , they demanded at least 5 percent fitment and the earlier scales of 15% , and so the issue is still not finding its shape of any agreement. Even if any agreement then that should go to the approval of DOT and, if any deviation from the ‘DPE om ‘ is found then approval from the appropriate Govt agency may also be needed. The other need is that Dot should initiate for the Executives pay revision also.

Going to 3 rd PRC scales and facing even some stagnation from 1-1-2017 is better comparing ‘Standing on the second pay scales from 1-1-2007 and continuing the same with stagnation’. Of course , it is the wisdom of unions to decide.

Meanwhile the associations of pensioners were all (even are) in one voice demanded pension revision for pre 2017 pensioners from our absorbed flock, delinking wage revision. Some associations are for the implementation of 7 th CPC recommendations from 1-1-2017, as some of the recommendations of 6 th CPC and 7 th CPC were extended to bsnl absorbed also from 1-1-2006 or from 1-1-2016 respectively. This was done in two ways, in the case of bsnl employees thro applicability, in the case of bsnl absorbed pensioners thro incorporation. The incorporation was done from 1-1-2007 in the case of minimum pension and age related enhanced pension . But incorporation is done after pay revision only in 2007.

Some of the associations are consistently demanding that pension revision should also be extended to the pre 2017 retirees as per 7 th CPC.

Some other associations started pursuing on 3 rd PRC line in the absence of pay revision. DOT on its understanding , taking the demand of pension revision in the absence of pay revision did their home work and convened a meeting with all the associations on Oct 17th of 2022, and proposed pension revision in the absence of pay revision, on the same lines of DOT’s earlier proposal to unions- that is IDA merger with nil fitment.

DOT presented its proposal for both Pre 2017 pension revision from 1-1-2017 and post 2017 notional pay fixation on the same yardstick from 1-1-2017 on 3rd PRC scales. The other question raised was when Executives have their pay scales, what would be for NE of post 2017. DoT agreed to address the question . If need be amendment to fix pension in the last pay drawn can also be addressed with the pension department , as post 2017 were proposed for notional pay fixation from 1-1-2017.

Meanwhile the PBCAT judgment of Sep 2023 directed to settle the issue of pension revision analogous to CPC as per applicability, and as per the existing rules (of 37 A) . DOT is refusing to implement the same as it felt after consulting the other ministries especially DOE . DOE suggested to fight the case at higher level courts , as the direction is against the rules of the land as on date and pension is derivative of pay. DOT has gone to Delhi HC to quash the same and subsequent contempt issue also.

The pre 2017 pensioners issue is bound with the post 2017 pay revision issue . As they are all one flock, there cannot be any two methods - one revision as per 7 th CPC for pre 2017 and fixation of pension to post 2017 in the existing 2 nd PRC itself. If extending 7 th CPC to post 2017 what will be their pay scales to avoid anomaly, that is the major issue we need to solve. Pension is impregnated by Pay only (of pay scales).

When extension of other 7 th CPC benefits to post 2016 (gratuity enhancement) is there, can the 7 th CPC scales for post 2017 from 1-1-2017 possible, is the question we need to answer. This even if possible , in the absence of pay revision in the bsnl, then that can be notional on 7 th CPC comparative scales (as CGHS mapping method) from 1-1-2016.

In that case , a section of employees of bsnl recruited all along travelled in uniform pay scales with their absorbed brothers, have no other go to travel in second PRC and retire in second PRC scales till a pay revision for them in 3 rd PRC from 1-1-2017.

How to address these consequences when our brothers of post 2017 are struggling for their pay revision, when we their elders once led them as leaders did not wait to see and share their concern till it materialises , leaving them with the notion as the rules are not helping them to get pay revision. We are taking a position Why should we elders suffer, and why should we tie ourselves with our young brothers , who all came to BSNL along with us seeing us all coming with our options. I feel it as our moral responsibility also.

We should repose our faith on our youngsters also who are all struggling to get their pay revision from 1–1-2017, as we are having faith on pensioners associations.

The question of settling pay revision would unite us all and solve all our issues connected.

-Pay revision to the absorbed post 2017 employees

-Pay revision to all the BSNL direct recruited employees after 1-10-2000

-Pension revision to all the pre 2017 pensioners

Even the notional fixation offer is not the best, though one can welcome it as better when comparing nothing. There also variations occur in the post 2017 employees between absorbed and direct recruited.

Whereas the demand of pension revision as per 7 th CPC from 1-1-2017 (or as of gratuity from 1-1-2016) would bring more anomalies amongst these three sections. A disconnect would emerge. We cannot demand pension revision for post 2017 as they are eligible only for pay revision from 1-1-2017.

Pension revision as per 7 th CPC for pre 2017 pensioners (possible if at all then only from 1-1-2016 and so pre 2016 pensioners)

Even if notional pay revision for pre 2016 as per corresponding CPC scales as that CGHS mapping

They're still a section different from our 37 A flock to go on 2007 scales till they get pay revision from 1-1-2017.

Confusion will be galore, I feel so. The above views of mine are as per today's context that is - pre 2017 and post 2017 context. When there is no such duality - no such 'post persons ' in our flock, all are 'pre persons' only then that context would be different, which one is yet to come.

I am not a person who refused to learn, if I am taught fairly instead of stamping . I am in the learning mode only, knowing my limitation of telling and doing things.

22 hrs 7 - 9- 2024 R. Pattabiraman

dec 23 2024

தோழர் செல்வம் , பென்சனர் சங்கத்தலைவர் தோழர் DG பேசிய 8.51 நிமிட ஆடியோ ஒன்றை அனுப்பியிருந்தார். தோழர்கள் வேண்டுகோளுக்கேற்ப ஹிமாச்சல் தோழர்கள் 2019ல் பெற்ற சண்டிகர் மத்திய தீர்ப்பாயம் கொடுத்த தீர்ப்பு, ஹிமாச்சல் உயர்நீதி மன்றம், உச்சநீதிமன்றம் எடுத்த நிலைப்பாடுகளை DG அதில் விளக்கியுள்ளார்.

BDPA சங்கமும் இது குறித்த சிறு குறிப்பை போட்டுள்ளனர்.

பவானி தத் சர்மா மற்றும் 28 பேர் (ஆக 29) வழக்கில் சண்டிகர் தீர்ப்பாயம் 23-1-2019ல் கொடுத்த தீர்ப்பு நிலைத்துள்ளது. எதிர் மனுதாரர்களாக அதில் Secy DOT, BSNL CMD, CGM HP உள்ளனர்.

இத்தீர்ப்பு பென்சன் என்றால் மற்ற DCRG, Commuted Value, Leave Encashment என்கிற சேர்த்து (cover) செய்யவேண்டிய வாசிப்பை செய்துள்ளது. இது நல்ல அம்சம்

தீர்ப்பின் பாரா 11ல் சொல்லப்படும் வரிகளில் இது இடம் பெற்றுள்ளது

..the term ‘pension’ used in the decisions would cover the element of DCRG, Leave Encashment, Commuted value of pension as well and the applicants are held entitled to these revised dues on the basis of revised pay carried out by the respondents

இங்கு கவனிக்க வேண்டிய அம்சம் ..dues on the basis of revised pay.

அதாவது பென்சன் மற்றும் அத்துடன் ‘கவர்’ ஆகும் பலன்களைப் பெற PAY என்கிற ஒன்று நிர்ணயிக்கப்பட்டு இருக்க வேண்டும் என்பதும் நாம் சேர்த்து வாசித்துக்கொள்ள வேண்டிய ஒன்றாகும்.

இன்னொரு நல்ல வாசிப்பை இத்தீர்ப்பு ஹெட் ராம் என்கிற வழக்கை சுட்டிக்காட்டி செய்துள்ளது.

…pension is to be calculated not on the basis the amount actually received by an incumbent in the last month of his service, but on the basis of pay , as fixed for the last month of service. That alone is the interpretation, purposive, proper and reasonable, in the matter of fixation of pension.

இந்த வாசிப்பிலும் fixation of pension on the basis of pay fixed என்பதைக் காண்கிறோம். இந்த தீர்ப்பு pension fixation is linked pay fixation என்கிற வாசிப்பையே தருவதைக் காண்கிறோம்.

23-12-2024 17 hrs - R . Pattabiraman

2025

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Jan 18 2025

Regarding 8th CPC

It is good to hear the acceptance of the GOI to constitute 8 th CPC . Thanks to Delhi election , that made the urgency to bring the govt to terms. We have to wait and watch the constitution of the new CPC and its TOR- Terms of Reference. CG Employees and pensioners would be vigilant to get the same and pursue their expectations with the CPC to take their demands to the logical conclusion. A long way to go. Let us wish them success in every step.

This piece is to write about my impression on seeing a letter written by GS of AIBSNLWA dated on Jan 17th ,2025. The subject matter of that letter is expressing the gratitude with a request of inclusion of BSNL/ MTNL pensioners also in the TOR . The intention is fine, that is to attach the bogey of BSNL and MTNL Pensioners in the rail of CPC and reaching the final destination- implementing the 8 th CPC OM fully for them.

The para, one to the concluding para appeals

" we earnestly request that the absorbed BSNL/ MTNL be included in the eligibility list of terms of reference for the revision of pension under the 8 th CPC. …"

The 8 th CPC is going to speak about all the CG employees on roll as on 1-1-2026 and all the CG Retirees- retired upto 31-12-2025 getting pension as per 2021 CCS rules (old 1972 rules).

If the bsnl and mtnl retires are included as per this cut off 31-12-2025 in the 8 th CPC (before that the question of 7 th CPC or 3 rd PRC haunts) , then what is the demand for those absorbed but retiring from 1-1-2026 onwards. They travel only in PSU 2nd PRC scales (that is of 6 th CPC environment), as their 3 rd PRC settlement is yet to be done and implemented.

If you want CPC recommendations for all the absorbed with IDA scales or with CDA scales - whatever scales, you need to amend 37 A rules appropriately to take you to the bogey of CG Retirees.

It is better to appeal, also the DOPPw- the pension authorities and DOT to seek the proper modification in the 37 A- bringing a sub rule specially to bsnl mtnl absorbees, for their eligibility to get the recommendations of CPC (possible from 1-10-2000 or at least prospectively) . For this also, DOT has to take its draft to cabinet for approval.

If you want to settle once for all the issue of pension revision as per CPC, then you have to find solution to both pre and post categories on a particular date. As 4 lakhs absorbed , we are all bound by a single compendium of 37 A rules. If we able to bring an amendment in that sub rules , either by amending the sub rule 4 - though cease to be Govt servants but eligible for the recommendations of CPC

Or

bringing a special insertion after sub rule 22 of 37 A, for making the absorbees eligible to get the recommendations of CPC.

But this is a cumbersome task, as it goes retrospectively from 1-1-2000. But if we all particular for the CPC, then it seems to be difficult to avoid this type of bitter pills .

Employees seeking settlement as per PRC, pensioners seeking as per CPC will not meet . If PRC is settled, then DOT takes that only to the absorbed pensioners also. The demand of CPC stands only till the demand of PRC of the employees are settled. After that it looses its logic as per the Nagara judgment. If the demand of CPC is accepted, then employees demand of PRC will loose its logic in the same way. The two cannot go in two different directions.

R. pattabiraman

18-1-2025 0800 hrs

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Jan 28 2025

8th CPC TOR and our bsnl case

DOPT vide its 6/1/2025-JCA sent a request to the secretary staff side on 23rd Jan 2025, for their suggestions regarding TOR, the one to be finalised for constituting 8 th CPC.

The GS of AIBSNLPWA of the bsnl absorbed pensioners association has made his appeal to the DOPT, and to Secretary National JCM and others to take up the case of absorbed pensioners ,by getting the same included in the TOR. The appeal is

" To examine the principles which should govern the structure of pension and other retirement benefits, including revision of pension in the case of employees who are getting pension on IDA from central civil estimate and covered under CCS pension Rules 2021"

It is a good initiative, as the association is continuously pursuing the case of 7th CPC fitment, now trying its level best to enter into the TOR. The intention is fine. No one can blame that. But questions are there about this request.

The constitution of CPC is basically for the Central Govt employees to examine their CDA pay related principles including allowances, bonus, promotion etc- also to examine the CG Retirees' pension revision issue on 1-1-2027.

37 A is created as an amendment to CCS pension rules, purely for the employees , transferred from the govt department and absorbed as employees in a PSU. The sub rules of 37 A speak fully for the employees and for their safeguards, as they are absorbed in a different entity viz PSU.

For BSNL absorbed employees- note employees , special provisions were made in the 37 A rules. It speaks about pension as per Govt formula and assures the authority as GOI , the paying authority, from the consolidated fund of India obtaining through DFG, instead of any pension fund kitty. Thanks to com Gupta's wisdom. It also assures to maintain parity for the absorbed employees in the govt rules , for the pension related benefits (like gratuity , commutation, qualifying service, age related enhanced pension, FP etc) with those employees of CG retiring as on the date. The assurance of parity in the 37 A rules is for employees only , not for the pensioners retired on availing this rules. Note it is all for the absorbed-employees only.

Ok. The pensioners association is asking to examine the issue of pension related issues for the employees getting pension on IDA. Though the date 'as on ' is not mentioned, it cannot be except the date of 8 th CPC- 1-1-2026. This means to examine the pension related issues including revision of pension of those absorbed bsnl, mtnl retired upto 31-12-2025.

Again the same question may crop up, what would the fate of employees getting pension on IDA, retiring on or after 1-1-2026. There is no mention of this as we decode the request of the association in their demand for TOR. No BSNL union asked till date , any such demand of inclusion of pay related issues of absorbed employees getting pay on IDA for the inclusion in the TOR. It is not possible even any demand comes from any union, as the demand may be construed illogical.

Com O P Gupta tried to push the demand of 'pensionable pay', when some DOT officers suggested the same to him. Unfortunately almost all the leaders of NFTE objected that, and Guptaji could not pursue it beyond that suggestive level. He tried in 2003 also , but govt side not accepted his contention, in the case Sep 2003 applicability . He tried for a separate 'pensionable pay' for employees absorbed which is more or less similar to CPC pay, though the last pay drawn may be higher in IDA. All his trails were for the employees only in the route of 'pensionable pay'. Com Gupta did his best with the understanding to fix pay for pension, though the employees go with their IDA pay.

The same was pursued by the AIBSNLPWA leadership also but in a different way like conversion formula to CDA from IDA for pensioners after their pension fixed in IDA. Their efforts and trails are for pensioners. This was yet to be realised. The concept of pension linked to pay is not properly felt in these trails.

The most important question is 'whether the absorbed 4 lakh employees in BSNL is one class- a flock together or not ?'. If so how two different path - one by employees union pursuing pay revision , the other by pensioners union for pension revision - can be adopted?.

Both CG employees and CG pensioners are pursuing the same route of CPC- now 8 th CPC for their pay and pension revision as on 1-1-2026. Their pay structure is the same for both fixation of pay and fixation of revised pension. In our case, can we go in two different directions one for employees - PRC, the other for pensioners- CPC - in two different principles and structures?

As long as there is a category of post pensioners of DOT after that particular date- employees of bsnl on that particular date, our case is not similar to that one of CG employees and pensioners. This point needs to be taken care of when we draft a demand. What is pensionable pay is the question to be addressed for both employees to fix and pensioners to revise.

28-1-2025 11 hrs R. Pattabiraman

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March 5 2025

Kerala High Court Judgment - Some connected Memories

The Kerala HC judgment dated feb2, 2025, circulated since the last two days kindled some connected memories.

Dot employees were absorbed to the newly incorporated BSNL PSU dated 15-9-2000, from October 1 of the same year. DOT was not merged with BSNL as the Kerala HC said. 37 A were also not incorporated as said by them in 2002. These are factually not correct.

Taking the formation of BSNL as premises, new rules for absorbed employees of PSUs from any Govt department was framed and notified in the amended rules of 1972 pension rules. The connected conditionality is stated in the Rules 37 A. BSNL got its special exemptions due to the efforts of com O P Gupta. In that Sub rule 8 is common to all, not something special to the bsnl absorbed. Moreover 37 A are rules for absorbed employees, not for pensioners.

Before 1-10-2000 all the DOT employees were one flock availed the benefit of 5th CPC. On absorption there were broadly two categories who opted for BSNL and those not favoured their options. Most of the higher ITS officers not opted. The pay scale changes given to the absorbed employees in 2002 w.e.f 1-10-2000 did not reflect any change to the DOT pensioners on 30-9-2000. No claim even done by them.

During the period of MOC Shri Dayanidhi Maran , ITS officers were under pressure to give option to BSNL. An amendment was made to favour them and hence the insertion of pro rata pension (in 2005) for the period of Govt service and pension as per PSU rules for the remaining service. Some of them opted , and some employees were also opted for this pro rata pension .

So the opted employees became two categories, the bulk belong to combined pension- that is to get pension from govt as per 37A only on retirement from BSNL and till retirement they avail the pay scales of BSNL. The other small category is also ‘optee’ as per 37A, but getting pro rata pension for the govt service in addition to the pay as per BSNL scales. Though they get this IDA scales, that will not be considered for Govt pension on their retirement in the BSNL. They continue to get pro rata govt pension only for the period of their service in the DOT.

The categories are ‘pensioner as in CDA and simultaneously employee in IDA scales ’ and ‘employee in IDA and on retirement pensioner in IDA’. The category ‘pensioner cum employee’ will not get any govt pension for their PSU period of service, where as the employee getting pay only will get govt pension for both the govt and PSU period of service. The courts failed to distinguish this major aspect.

When 6 th CPC was announced and implemented, these non optee employees as well as pro rata optee employees were given chance to avail that CPC benefits and so in the case of 7 th CPC period also from 1-1-2016. While the IDA combined service optees availed only PRC scales on 1-1-2007 and the corresponding pension revision for those retired prior to that. Their pay revision from 1-1-2017 was not implemented due to the govt policies of 3rd PRC.

II

Now I come to the Kerala HC judgment of Feb 2, 2025 with the connected Ernakulam CAT judgment of Oct 30, 2019.

The crux of the question in both the judgment is whether the DOPPW Om dated 12-5-2017 connected with 7 th CPC is to be effected to the petitioner or not.

The CAT judgment of Oct 2019 raised the relevant question in para 6

" The short point to be considered in this OA is whether the Annexure OM dated 12-5-2017 is applicable the applicants who are BSNL IDA pensioners?.."

The CAT found its answer from the statement of respondents.

" The respondents in their reply statement submitted that the Annexure OM is meant for Central Govt CDA pensioners and Pro rata pension optee of BSNL absorbees drawing pension on CDA pattern on Govt service period only and not for the combined service pension optee BSNL IDA pensioners like the applicants. This fact has not been denied by the applicants by filing any rejoinder."

And so the CAT does not find any merit of the case and dismissed the OA.

Kerala HC set aside this CAT judgment and allowed the OA. The HC also gave its direction to the respondents

".. to grant relief in terms of Annexure A5 to the petitioner number 2 applicant who is a pre 2016 pensioners within a period of 2 months from the date of receipt of certified copy of the judgment".

The HC does not bother the categories of CDA or IDA, saying that as the OM 12-5-2017 not explicitly excluded the Retirees who were drawn the IDA pay scales.

The two paras - 'one the 7 a 'of the OM dated 4-8-2016 and the other 'the para 12 ' of the OM dated 12-5-2017 are the main causes for the confusion created in the legal parlours. The HC has taken this OM 12-5-2017 literally, it seems.

The famous biblical sentence is ' Letter killeth but the spirit giveth'.

It seems that the great discrimination would be set if this judgment implemented amongst the pre 2016 and post 2016 pensioners. In order to settle the discrimination amidst pre 2016 pensioners through OM 12-5-2017, the HC creating new discrimination between pre 2016 and post 2016 pensioners. Unless the OM of CG

employees are extended to the employees on 1-1-2016 in BSNL, this may cause greater confusion and more litigations.

But judgment is judgment till the same is nullified in the higher Supreme Court.

5-3-2025 18hrs R. Pattabiraman

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march 6 2025

37 A - 24 c நிலைக்குமா?

பென்ஷனர் இயக்கத்தின் முக்கிய தலைவர்களில் ஒருவர், 37 A துணைவிதி 24 c குறித்து தெரிவித்தார்.டெல்லியில் DOPPw உயர் அதிகாரிகளிடம் அவருக்கு கிடைத்த தகவலை பரிமாறிக்கொண்டார்.

மத்திய அரசாங்க ஊழியர்கள் பணியிலிருந்து 'டிஸ்மிஸ்' செய்யப்பட்டால் அவர்களுக்கான ஓய்வூதிய பலன்கள் கிடைக்காத சூழலில், தோழர் குப்தாவின் முயற்சியால் பி எஸ் என் எல்க்கு விருப்பம் கொடுத்தவர்கள் ஓய்வூதிய பலன்களை 37 ஏ வழியாக உறுதிப்படுத்திக்கொண்டனர்.

இதில் துணைவிதியாக 24 சி என்கிற அதி பாதுகாப்பு ஒன்றையும் அன்று பெற முடிந்தது. அதாவது எவராவது பி எஸ் என் எல் நிருவாகத்தால் 'டிஸ்மிஸ்' செய்யப்பட்டால், அவர் முழுமையாக ஓய்வூதிய பலன்களை இழக்க மாட்டார். அரசாங்க சேவைக் காலத்திற்கு பென்ஷன் பெறுவார், ஆனால் பி எஸ் என் எல் சேவைக்கு பென்சனை இழந்து விடுவார்.

மத்திய அரசு ஊழியர்க்கோ, ஏன் தமிழ்நாடு மாநில அரசு ஊழியர்க்கோ இல்லாத சிறப்பு பாதுகாப்பு இது. அரசாங்க ஊழியராக இருந்தாலும் அவர்கள் இழந்து விடுவர். கார்ப்பரேட் ஊழியராக இருந்தாலும், அரசாங்க சேவைக்காலத்திற்கு இங்கு அந்த டிஸ்மிஸ் செய்யப்பட்டவர் இங்கு அரசாங்கத்திடமிருந்தே பென்ஷன் பெற முடியும்.

ஆனால் ஏட்டில் இருந்த 24 சி நடைமுறைக்கு வராததை அறிந்த NFTE தோழர்கள், டிஸ்மிஸ் ஆகியிருந்த 40க்கும் மேற்பட்டவர்களின் விவரங்களை தொகுத்து உரிய மட்டங்களில் தொடர்ந்து விவாதித்து, அவர்களின் வாழ்வாதார பிரச்சனையை சில ஆண்டுகளுக்கு முன்னரே தீர்த்து வைத்தனர்.

தற்போது உச்சநீதிமன்ற தீர்ப்பு ஒன்றால், இந்த துணைவிதி நீடித்து நிலைக்குமா என்ற நிலை உருவாகியுள்ளதாக தகவல்கள் வருகின்றன. தொழிற்சங்க தலைவர்கள் உரிய மட்டத்தில் இது குறித்து கேட்டறிந்து, அவ்விதி நிலைக்கச் செய்வார்கள் என கருதுகிறேன்.

6-3-2025

March 28 2025

Finance Bill Amendments- Paras of Pensioners- My first reading

I happened to go through the relevant ‘paras of Pension/ pensioners ‘ in the Finance Bill (as amended one). I hereby declare my limitation on these matters and I am a poor student on studying the issues like Budget papers, money or finance papers. Just the issue is pension, I had also that curiosity and done my first reading. The points that I arrived at are given below.

I tried here to provide the relevant portions of 6th CPC, 7th CPC Oms, Finance bill relevant paras, LS debate etc. Kindly go through them to have some fair understanding of these issues. How 6th CPC oM is differing from 7th CPC oM.

It seems to me that the GOI has strengthened its hands and power to avoid complete pay parity between pre and post pensioners on a particular date. By this they gain power to distinct pensioners as per the date of retirement- in this case pre and post on a particular date.

As per my reading if 8th CPC gets TOR, that includes the revision of pension to the existing pensioners, then pre 2026 pensioners would also get the benefit of recommendations as per the principles of 6th CPC. The 7th CPC notional pay fixation concept for all pre 2026 pensioners as per the principles or some similar guidelines of 12-5-2017 would not be there. This is my reading after hearing FM reply in the LS.

Govt has assumed the power and authority to distinct the pensioners , as the courts are obliterating the same in various occasions. Instead of pay parity as given in the OM 12-5-2017, (also not of OM 4-8-2016 which did not provide 50 % of the minimum of the new pay scales) they may go to 6th CPC pattern OM 1-9-2006, which provides that guarantee of not lower than 50 % of the minimum pay in the pay band plus grade pay corresponding to the pre revised scale from which the pensioner had retired.

Govt may freeze the existing option similar to one like OM 12-5-2017 but may be 'open to ' similar Oms of 6th CPC dated 1-9-2008 and the least 7th CPC Om dated 4-8-2016.

So the question of saying or predicting ' No Pension Revision to pre 2026' because of this Finance bill lacks evidence or factual proof.

Let us wait to see the Terms of Reference of 8th CPC, which may clear the confusion.

II

Relevant paras from the concerned Oms:

6th CPC OM for Pre 2006 dated 1-9-2008

In that OM Existing Pensioner/FP meant pensioner who was drawing pension/ entitled on 31-12-2005

Their new pension was the consolidated of their existing pension, Dearness Pension and DR(24 percent) and Fitment weightage of the existing pension/FP

The other important one is

The fixation of pension will be subject to the provision that the revised pension, in no case, shall be lower than 50 % of the minimum pay in the pay band plus grade pay corresponding to the pre revised scale from which the pensioner had retired

Another OM dated 2-9-2008 was issued for the benefit of post 2006 pensioners that is- for those who were employees on 1-1-2006 but retired at the time of this OM.

Where pension/FP/ gratuity/commutation etc has already been sanctioned in cases occurring on or after 1-1-2006, the same shall be revised in terms of these orders.

7Th CPC OMs

In the same way 7th CPC issued two OMs -one for pre 2016 and the other for post 2016 dated 4-8-2016.

the pre 2016 orders were issued for those existing pensioners drawing pension before 1-1-2016

For existing pensioners who were retired before 1-1-2016, the revised Pension w.e.f 1.1.2016 shall be determined by multiplying the pension as had been fixed by 6th CPC by 2.57.

The minimum pension was fixed as Rs 9000.

For post 2016 pensioners retired on or after 1-1-2016 separate OM dated 4-8-2016 was issued. That is those who ret were employees on 1-1-2016 but retires on the date of issue of this OM. Their already fixed pension/ gratuity/ commutation etc was revised as per this order.

OM 12-5-2017 for Pre 2016

This 7th CPC had gone a further step by issuing the other Om dated 12-5-2017 for pre 2016 pensioners. This led lot of litigations.

According to this OM-

It is decided that the revised pension w.e.f 1-1-2016 in respect of all central civil pensioners retired/died prior to 1-1-2016 may be revised by notionally fixing their pay in the pay matrix recommended by the 7th CPC in the level corresponding to the pay scale /band.Grade pay at which they retired or died.

This will be done by notional pay fixation under each intervening pay commission based on the formula approved by the Govt. 50 % of the notional pay as on 1-1-2016 (30 % for FP) shall be the revised pension.

By this OM the pre 2016 pensioner got the option of Choosing 4-8-2016 or 12-5-2017 Om , whichever is advantageous to him or her.

III

Amendments regarding:

LS debate synopsis dated march 25, 2025

SHRI K.C. VENUGOPAL:

I think there are some hidden agendas inside this Finance Bill that I want to bring to the notice of the hon. Minister. For example, in this Finance Bill, there is a mention of the powers and authority of the Central Government. Clause 144(1) gives authority to the Government to establish distinction among the pensioners. My simple question to the Finance Minister is this. Why is there a distinction among the pensioners? Why are you attacking these poor pensioners in this country? You are saying you are providing so much for the middle class. Now, this is a direct attack against the pensioners. I think you have taken the powers of the Parliament regarding pension rules. In a way, you are trying to amend the pension rules through this Finance Bill. I think the Government needs to withdraw that clause in that provision.

THE MINISTER OF FINANCE; AND MINISTER OF CORPORATE

AFFAIRS (SHRIMATI NIRMALA SITHARAMAN)

.....

Under the leadership of the Hon. Prime Minister, our Government has always been sympathetic towards the issues related to employees and pensioners. The demand of pensioners regarding parity has been agreed to and implemented by our Government. The Government has also approved the establishment of the 8th Central Pay Commission to revise the salaries and benefits for Central Government employees as well as pensioners. By this amendment, the Government is actually restoring what was accepted in March 2008. That is the aim and objective of this amendment.

Then in the LS - The Bill, as amended, was passed.

what is in the LS Passed Finance Bill 2025

AND WHEREAS the Fifth and Sixth Central Pay Commission also maintained the distinction between pension payable to employees retired before and after the 1st January, 1996 and before and after the 1st January, 2006, respectively, consequently, as on 1st January, 2006, a distinction in pension existed between past employees who had retired before that date and employees retired after that date on the basis of the revision in pay scales recommended by the Sixth Central Pay Commission, as

accepted by the Central Government, implemented from the 1st January, 2006, a pension revision formula which did not amount to complete parity between pension of Government employees retired before or after the 1st January, 2006;

AND WHEREAS the treatment of existing and past pensioners was again considered by the Seventh Central Pay Commission and it was pointed out in its report that the issue of pension has been a matter of debate in a large number of cases before the Supreme Court of India and there have been differing views;

AND WHEREAS the pension payable to a Government employee can be said to be a deferred portion of the compensation for service rendered and usually, the compensation earned by an employee varies over the service period, as they are periodically revised on account of implementation of the Central Pay Commissions recommendations or otherwise and as such, pension as a derivative of compensation, may also vary;

AND WHEREAS the right to impose such distinctions rests with the Central Government and are an inevitable outcome of the implementation of the recommendations of a Central Pay Commission;

AND WHEREAS the judgment of the Supreme Court in SLP (Civil) No. 29124 of 2024 in the case of the Union of India and Ors. Vs All India S-30 Pensioners Association and Ors. has obliterated such distinction and proceeded on the premise that the Government lacks authority for providing for such distinction of the Central Government pensioners based on their date of retirement;

AND WHEREAS it has become necessary to deal with the interpretation of the Courts and to address the issue relating to pensioners of the Central Government, and expedient to retain the relevance of having such distinction by a validation legislation, dealing with the pension rules and instructions issued from time to time in this regard

28-3-2025 0800 hrs R. Pattabiraman

March 30 2025

7th CPC and The Question of Parity

The subject matter that the question of parity means- parity for Past pensioners with the future pensioners on a particular date. This write up is to explain, as I understand, the Parity question dealt by 7th CPC. Kindly go through till the last para.

After the Government's finance bill, almost all the Pensioners' associations, though variedly presenting their views, are in complete unity in condemning and demanding the withdrawal of that bill (that is the validation portion of pensioner related matters) and questioned the authority of the Government to distinct Pensioners on their date of retirement .

One can understand , the issue of Parity and the continuation of the same, on studying the CPCs recommendations, specially the 7th CpC's.

After analysing the parity issue found in the discourse of the previous CPCs (till 6th CPC), the 7th CPC observed

10.1.54 The Commission is of the view that the issue of parity in pensions is extremely important from the viewpoint of inter-temporal equity and merits a careful examination.

The 7th CPC observations on 5th and 6th CPC,-that is what they did on the question of parity - is given below

10.1.58 The V CPC made a definitive shift in the treatment of past pensioners. The Commission took the view that the process of bridging the gap in pension of past pensioners, set into motion by the IV CPC by grant of additional relief in addition to consolidation of pension, needed to be continued so as to achieve complete parity over a period of time. It, accordingly, recommended that pension of all the pre-1986 retirees may be updated by notional fixation of their pay as on 1 January, 1986 by adopting the same formula as for the serving employees. The consolidated pension so arrived at was to be not less than 50 percent of the minimum pay, as revised by V CPC, of the scale of the pensioner at the time of retirement.

This principle by which past pensioners are brought up to the minimum of the scale which replaced the scale in which the pensioner retired has been termed as modified parity. This consolidated amount of pension was to be the basis for grant of dearness relief in future.

10.1.59 The VI CPC noted that modified parity had already been conceded between pre and post 1 January, 1996 pensioners. It also observed that full neutralisation of price rise on or after 1 January, 1996 had also been extended to all the pensioners. Therefore, the Commission felt that no further changes in the extant rules were necessary. To maintain the existing modified parity between present and future

retirees, it recommended that those who retired before 01.01.2006 be given the same fitment benefit as was recommended for the existing government employees

After mentioning various judicial pronouncements on shaping the issue of Parity (though the judiciary is not in complete unity and directed differently and said about the limitation of D S Nakara judgement), the observation of 7th CPC on that is :

10.1.63 The legal position that emerges from the aforesaid decision of the Apex Court is that classification should be founded on a rational basis while distinguishing one class from other. It should not be discriminatory or violative of Article 14 of the Constitution. The Apex Court has examined each case on its merit and wherever they have found that distinction between similarly placed classes is discriminatory then the same has been struck down.

10.1.64 Pension Payout to Personnel in the Central Government: The preceding paragraphs bring out the evolution of the pension regime over time and the role of the Judiciary in settling the law on the subject. There is clear evidence that governments have progressively moved towards a liberalised regime for past pensioners. The VI CPC has further provided for additional pension with advancing age. What this has effectively translated into is testified by examples36 of pension fixation of personnel across groups who have retired in the past decades.

Here, 7th CPC provided 3 illustrations showing their substantial benefit that past pensioners got due to the above pay commissions.

" For example a Secretary to the Government of India retiring on 31 August, 1992 was in receipt of a basic pension of ₹4,000 per month. The basic pension after implementation of the V and VI CPC got revised to ₹13,000 and ₹40,000 respectively. With the benefit of dearness relief this pensioner is on date entitled to a total payout in terms of pension and dearness relief of ₹87,600. Further, as a pensioner who is over 80 years of age he is entitled to an additional pension equivalent to 20 percent of basic pension. In effect the pensioner is in receipt of a total payout of ₹105,120 per month as on date.

Similarly, a Director (in GP 8700 as per VI CPC) retiring on 30 September, 1994 with a basic pension of ₹2,556 per month got revised basic pension of ₹7,042 and ₹22,701 per month after implementation of the V and VI CPC respectively. With the benefit of dearness relief38 the pensioner is on date entitled to a total payout in terms of pension and dearness relief of ₹49,715 per month.

The basic pension for a Group `C' official retiring on 30 September, 1991 from the scale of ₹950- 1500 was fixed at ₹717 per month. His basic pension, after implementation of the V and VI CPC, got revised to ₹2,188 and ₹4,946 respectively. With dearness and pensionery increase due beyond 80 years the pensioner is in receipt of a total payout of ₹12,998 per month. "

10.1.65 The three illustrations point to a substantial increases in pension, across groups, during a span of between 20 and 25 years.

After considering all these aspects, the 7th CPC pronounced the following as its recommendations:

10.1.67 The Commission recommends the following pension formulation for civil employees including CAPF personnel, who have retired before 01.01.2016:

i) All the civilian personnel including CAPF who retired prior to 01.01.2016 (expected date of implementation of the Seventh CPC recommendations) shall first be fixed in the Pay Matrix being recommended by this Commission, on the basis of the Pay Band and Grade Pay at which they retired, at the minimum of the corresponding level in the matrix. This amount shall be raised, to arrive at the notional pay of the retiree, by adding the number of increments he/she had earned in that level while in service, at the rate of three percent. Fifty percent of the total amount so arrived at shall be the revised pension.

ii) The second calculation to be carried out is as follows. The pension, as had been fixed at the time of implementation of the VI CPC recommendations, shall be multiplied by 2.57 to arrive at an alternate value for the revised pension.

iii Pensioners may be given the option of choosing whichever formulation is beneficial to them.

It is also decided by the 7th CPC to give breathing time to implement the first option and hence recommended

10.1.68 It is recognised that the fixation of pension as per formulation in (i) above may take a little time since the records of each pensioner will have to be checked to ascertain the number of increments earned in the retiring level. It is therefore recommended that in the first instance the revised pension may be calculated as at (ii) above and the same may be paid as an interim measure. In the event calculation as per (i) above yields a higher amount the difference may be paid subsequently.

Here, the 7th CPC cited two cases as their illustrations for fixing the pension benefit as per their recommendations, calculating the benefit both on the basis of 2.57 and notional fixation, on the basis of basic pension fixed by 6th CPC

Case I

10.1.70 Pensioner ‘A’ retired at last pay drawn of ₹79,000 on 30 May, 2015 under the VI CPC regime, having drawn three increments in the scale ₹67,000 to 79,000: (as per the new matrix for the employees)

Basic pension as per 6th CPC was Rs 39500 for this 2.57 new pension is Rs 101515- This is one option

The other option is

That 67000 minimum correspondingly is enhanced to Rs 182200 as per the pay matrix recommended to the CG employees by the 7th CPC

Then this pensioner A had that 3 increments - adding that notionally this 182200 becomes 199100.

The new pension so arrived is 50 % of this notional pay- 99550

In this case 2.57 option is higher.

Case II

10.1.71 Pensioner 'B' retired at last pay drawn of ₹4,000 on 31 January, 1989 under the IV CPC regime, having drawn 9 increments in the pay scale of ₹3000-100-3500-125-4500:

He or she was in his 4th CPC Basic pension as Rs 1940.

This one was revised during 6th CPC as Rs 12543

As per option of 2.57 , the new pension recommended by 7th CPC is 32236

The other option is also given as per the recommendation. By this notional fixation option

Using the pay matrix to the level of 15600-39100, the corresponding new minimum for him is Rs 67700

This pensioner had with him the earned 9 increments and the notional fixation after having this 9 increments becomes Rs 88400

The new pension as per this option recommended by 7th CPC is Rs 44200

This one is higher than 2.57 option for this case of pensioner.

After accepting the recommendations of 7th CPC , GOI issued two OMs for Pre 2016 Past pensioners- one immediately on 4-8-2016 OM for 2.57 multiple and the other 12-5-2017 OM for notional corresponding fixation as that of the Pay matrix recommended to the employees that is for the future pensioners.

7th CPC improved the Modified Parity option (50 % of the minimum as recommended by 5th CPC and kept by 6th CPC also) to complete parity option, ofcourse notionally to the recommended pay scales and its stages. Both the Past and future pensioners fixation gone through the same Pay matrix- that option of parity was given to the pensioners, though some were not benefitted by that and used only 2.57 options.

I don't have figures with me, how many pensioners opted for 2.57 of Aug 4, 2016 OM and , how many benefitted by the OM of 12-5-2017.

Almost all the associations are standing for this option of parity.

In the case of BSNL absorbed pensioners some associations demanding CPC parity , demanded 2.57 equivalent benefit only in most of their letters and correspondences to the DOT. Some have gone court as they are also Pre 2016 pensioners , demanding to apply the OM 12-5-2017. This BSNL case is a separate story.

Let us see how the TOR of 8Th CPC is going to be constructed

The TOR of 6th CPC for the pension matter goes like this as stated in their report of March 2008

5.1.1 As per its Terms of Reference, this Commission is required to examine the principles that should govern the structure of pension, death-cum-retirement gratuity, family pension and other terminal or recurring benefits having financial implications for the present and former Central Government employees appointed before January 1, 2004.

The TOR for 7th CPC goes like this as stated in their report of NOV 2015

10.1.1 The term of reference of the Seventh CPC with regard to pension is as under: “To examine the principles which should govern the structure of pension and other retirement benefits, including revision of pension in the case of employees who have retired prior to the date of effect of these recommendations, keeping in view that retirement benefits of all Central Government employees appointed on and after 01.01.2004 are covered by the National Pension System (NPS).”

Let us hope, the Terms of ref for 8th CPC would also go in the similar lines only.

It is a long way to go to see the recommendations of 8th CPC

0730 hrs 30-3-2025 - R Pattabiraman

69

Ap 3 2025

Pensioners on Struggle Path

Lakhs of Pensioners drawing pension as per CCS Rules are on the war path against the provisions enabling GOI by the Finance Act 2025 dated 29-3-2025, to have authority to distinct pensioners.

Their main demand is to withdraw the provisions spelt in that validation paras. The authority so professed now becomes the part of Finance Act 2025.

The PSU retired employees getting pension as per CCS rules also joined the movement with great vigour. Even many State Government retirees are also participating, having the fear and apprehension that their Governments may have the same kind of authority to distinct them.

Though FM clarified in both the Houses of Parliament, the fears or doubts are not lessened and not gone out of Pensioners minds. It seems that from the reports of JCM NC leaders that the Secretary DOPPW tried his best to clarify the purpose of these new provisions. But the earlier activities and attitudes of the present Govt are not helping the Crores of Pensioners, to clear their doubt set strongly in their minds.

The doubts expressed by the pensioners are:

GOI revised CCS pension rules (some Central unions reported)

8th CPC recommendations would not be extended to pre 2026 pensioners (most of the Associations reporting so)

There will not be complete parity amongst the pensioners

It seems that the above are some of the major apprehensions or charges by the associations.

The Finance Act 2025 published by the Ministry of Law goes 90 pages. That Validation and Principles of Expenditure paras start at page 49/90.

As per 150 (a) of the Act

It is herby clarified that the CG has the authority and shall always deemed to have had the authority , to classify its pensioners as deemed expedient for implementing the recommendations of the central pay commissions under this part

150 (b)

It is also clarified that the date of retirement of pensioners shall be the basis of distinctions and for classification in regard to pension entitlement.

This Act also clarified vide its 148 pensioner and Pension rules meant whom and what.

148 (a)

pensioner means a retired Govt servant under the pension rules

148 b

pension rules means the CCS pension rules 1972 as it existed prior to its cesser of operation or the CCS PR 2021 or CCS Extraordinary pension rules 2023 made under the proviso to article 309 of the Constitution and instruction issued thereunder.

As per these provisions Govt clarified Pension rules meant -the existed or existing rules only. The 'pensioner' is the retired Government servant under the pension rules.

The Judiciary felt and hinted that the GOI lacks authority for providing distinction amongst CG pensioners on their date of retirement. It is reported in this Finance Act 2025

'..It has become necessary to deal with the interpretation of the courts and to address the issue relating to pensioners of the CG, and expedient to retain the relevance of having such distinction by a validation legislation, dealing with the pension rules and instructions issued from time to time in this regard.'

Let me deal or interpret the issue in practical tones. The apprehensions expressed by various associations are also interpretations or perceptions on the basis of their wisdom . In my earlier writ up ' 7th CPC and the question Parity' , I dealt how 6th CPC and 7th CPC made their distinctions amongst pre 2006- post 2006, pre 2016 - post 2016 pensioners, but how by enabling another option 7th CPC by its OM dated 12-5-2017 tried its best to bring entitlement of complete parity for pre 2016 pensioners. For this 7th CPC used the same Pay matrix yard stick- notional pay and then fixing 50 % of that as pension to pre 2016 pensioners.

So 6th CPC and one option of 7th CPC (4.8.2016 option 2.57 multiples) made that distinction while applying CPC recommendations between Pre and Post pensioners on 1-1-2006 and 1-1-2016.

what is that distinction?

On the approval CPC recommendations and issuance of OM of GOI

There were 3 categories

one is CG Employees who were getting their pay revision and continue as employees and retiring after that OM.

The other two categories are Pensioners.

One is Pre Pensioner of 2006/ 2016 as per 6th /7th CPC. The other was also a pensioner on the date of Issuance of OM but employees on 1-1-2006/ 1-1-2016. This caused the confusion.

Take 7th CPC. The Pre 2016 pensioners got 2.57 multiples as their new pension vide OM 4-8-2016. This is distinct from the other pensioners (post 2016) on the date of issuance of OM, but employees on 1-1-2016. This post 2016 pensioners retired and got fixation of pension as per 6th CPc scales only, as that of his pre 2016 pensioners. But he was an employee on 1-1-2016 and thereby entitled to get pay revision as per the Pay matrix. Though his pension was fixed as per his earlier last drawn pay, he was entitled to the new last pay drawn to fix his new pension as per pay matrix. This entitlement was not applied to pre 2016 pensioners, he simply got his pension revision by multiplying his pension by 2.57 and got his revision so on 1.1.2016.

This yard stick of distinction was also found in the 6th CPC. But Govt did not have any legislative validation for this type of distinction.

Fortunately GOI also accepted the other option recommendation of pre 2016 pensioners bringing parity with the post pensioners vide its OM 12-5-2017 thro notional fixation using the same pay matrix used for post 2016 pensioners , but employees 0n 1-1-2016.

Courts from the day of Nakara judgment started telling the GOI , they lack legislative authority to make any distinction amongst pensioners as pre or post on a cut off date.

Taking all these things, the GOI has now with full armour of authority thro an Act to distinct pensioners as per their date of retirement. Who knows, any pensioner or any activist may go to court to challenge the authority of the GOI to establish distinctions and thereby the Act.

As per my reading the fear of 'no pension revision' to pre 2026 pensioners is unfounded , in the case of Govt using this authority to make distinction between pre 2026 and post 2026 pensioners after accepting 8th CPC recommendations.

It is too early to say anything about 8th CPC which is yet to be constituted with TOR.

One can understand the vigilant aspects of Pensioners but spreading fear psychosis is debatable. Let us hope , GOI may understand the fears- apprehensions, focused by the associations in right spirit and be pro active to lesson the same.

11 hrs 3-4-2025 R. Pattabiraman

ap 4 2025

முகநூலில் மத்திய அரசின் நிதி மசோதா, தற்போது நிதி சட்டம் 2025 குறித்து நான் தொடர்ந்து மூன்று பதிவுகளை இட்டிருந்தேன்.

இந்த பதிவுகள் குறிப்பாக மத்திய அரசிலிருந்து ஓய்வுபெற்ற பென்ஷன் தாரர்களுக்கானது. பி எஸ் என் எல் ஓய்வு தோழர்களும், மாநில அரசாங்க பென்சனர்களும் என் பார்வையை இப்பதிவுகள் வழி தெரிந்துகொள்ள முடியும்.

பி எஸ் என் எல் ஓய்வு பெற்றவர்கள் ஆர்ப்பாட்டத்தில் மிக ஆர்வமாக கலந்து கொண்டதை கொஞ்சம் தெரிந்து கொண்டேன். ஆழமாக நிதி சட்டம் 2025 யை படிக்கக்கூடியவர்களுக்கு ஒன்று புரிந்திருக்க வேண்டும். இச்சட்டம் 'பென்ஷனர் ' என define செய்வது மத்திய அரசாங்க சேவையிலிருந்து ஓய்வு பெற்றவர்களை மட்டுமே. அரசாங்கம் பென்ஷனர்களை classify செய்யக்கூடிய அதிகாரத்தை இச்சட்டம் மூலம் எடுத்துக்கொண்டுள்ளது. முன்பே அப்படி நடந்த distinctions களை validate செய்தும் உள்ளது. அதாவது அப்படி வேறுபடுத்தியதை செல்லுபடியாக்குவதை செய்துள்ளது.

பி எஸ் என் எல் லிருந்து combined service அடிப்படையில் ஓய்வு பெற்றவர், CCS PR 37 A படி அரசாங்கத்திடமிருந்து பென்சன் பெற்றாலும், அவர்கள் பொதுத்துறையிலிருந்து ஓய்வு பெற்றவர்களாகவே இருக்கின்றனர். இச்சட்டம் 'பென்சனர்' என்பவர் மத்திய அரசாங்கத்திலிருந்து ஓய்வு பெற்றவர் எனத் தெளிவாக பேசுகிறது. இதை bsnl pensioners associations miss செய்யாமல் தங்கள் வாசிப்பை புரிதலை மேற்கொள்ள வேண்டுகிறேன்.

பி எஸ் என் எல் பென்சனர் already in the classified area as 'bsnl IDA pensioners' and Govt already done their distinction regarding this combined service pensioners from CG pensioners. So nothing new arrived to bsnl pensioners by this ACT. It is all about CPCs and for Pre and Post CG pensioners on a particular cut off date like

1-1-2006, 1-1-2016 and the future 1-1-2026.

பி எஸ் என் எல்லில் வந்து, அரசாங்க சேவைக் காலத்திற்கு பென்சன் - pro rata pension- எனத் தனியாக பெற்றவர்க்கு, combined service IDA pension opt செய்யாத சிலருக்கு மட்டுமே இந்த சட்டம் பொருந்தலாம். ஏனெனில் இவர்கள் CPC உத்தரவுகளுக்குள் வருகின்றனர்.

Some unions are strongly and continuously demanding 7th CPC and now 8th CPC to bsnl absorbed pensioners. They are sincerely making all their efforts in the best possible way. If I say a suggestion, of course a short cut one, I do not know whether they take it, or may heckle me even. If bsnl absorbed pensioners are also bracketed in the ambit of this act with CG pensioners, then they may come within the scope of CPC. I do not know how this one would be viewed by the tall leaders.

As on date this act is not directly connected to the bsnl absorbed combined service pensioners. இதையும் பி எஸ் என் எல் பென்சனர்கள் மனதில் கொள்வார்கள் என நம்புகிறேன்.

4-4-2025

ap 7 2025

மீடியா ரிலீஸ்- பென்சனர் சங்கங்கள்

சொல்கிறேன்..சற்று விளக்கமான பெரிய கட்டுரை- என்ன செய்வது. ஆர்வமுள்ளவர் புரிந்து கொண்டால் மகிழ்ச்சி. மாறுபட்டால் எந்த முத்திரையும் குத்தாமல், எனக்கு சொல்லிக் கொடுத்தால் மிக்க மகிழ்ச்சி. ஏற்பில்லையெனில் இவ்வெழுத்து போகவேண்டிய இடம் dust bin- Recycle bin.

But, in the name of parity , let us not miss one distinct aspect that post pensioner was/ is an employee also on a particular date whereas pre pensioner was / is a pensioner only.

பென்சனர் சங்கங்களை சார்ந்த பொறுப்பாளர்கள் 12 பேர்கள், ஏப்ரல் 6 , 2025 அன்று இணைந்து கையொப்பமிட்டு பத்திரிகை செய்தி வெளியிட்டுள்ளனர். இதில் 9 தலைவர்கள் டெலிகாம் பென்சனர் இயக்கம் சார்பானவர்கள்.

தங்களை 'central civil services pensioners' என்கிற பொது பெயர் சுட்டுதலை அவர்கள் எடுத்துக்கொண்டுள்ளனர். இப்படியே ஒரே classification இருந்துவிட்டால் அது bsnl absorbed pensioners க்கு நல்வாய்ப்பாக இருக்கும்.

அடுத்து அவர்கள் கவலை தோய சுட்டுவது 'deep concern over the recent amendment to the CCS Pension Rules'. அதாவது மத்திய சிவில் சர்வீஸ் பென்சன் விதிகளில் அரசாங்கம் திருத்தம் கொண்டு வந்துள்ளாக சொல்கின்றனர்.

1972, 2021, 2023 என சிவில் சர்வீஸ் பென்சன் விதிகளை நிதி சட்டம் 2025 எடுத்துக்கொண்டு பேசுகிறது. இதில் எந்த வருட எந்த ஷரத்தில் அரசாங்கம் திருத்தம் கொண்டு வந்துள்ளது. அது என்ன திருத்தம் என தெரிந்து கொள்ள விரும்புகிறேன். இதுவரை நான் பார்த்த எவர் அறிக்கையிலும் ' சிவில் சர்வீஸ் விதிகளில்' இந்த ஷரத்தில் இன்ன திருத்தம் என (எந்த அசோசியேஷனும்) தெரிவிக்கவில்லை. என் வாசிப்பில் அப்படி ஒரு திருத்தம் இன்றுவரை ஏதும் இருப்பதாக தெரியவில்லை. எவராவது சொன்னால் புரிந்து கொள்வேன்.

மத்திய அரசாங்கம் பென்சனர்களை, குறிப்பிட்ட தேதியை வைத்து பலன்களை தருவதில் வேறுபடுத்தி பார்க்கக்கூடாது (not to distinct) என்கிற வழிகாட்டல்களை நாகரா முதல் பல்வேறு தீர்ப்புகள்

தந்துள்ளன. பின்னரும் நுண்ணிய வேறுபடுத்தல்களுடனேயே 5 வது மற்றும் 6 வது ஊதிய குழுக்கள் இந்த distinct என்பதை செய்தன. Modified Parity என அதை அவை அழைத்தன.

குறிப்பிட்ட தேதியில் (உம்) 1-1-2006 என்பதில் இந்த வேறுபாடு (distinction) இருந்தது. ஒரே அளவு கிராக்கிப்படி இணைப்பு, ஒரே அளவு பிட்மெண்ட் என்பது pre மற்றும் post பென்சனருக்கு எடுத்துக்கொள்ளப்பட்டது. ஆனால் போஸ்ட் பென்சனர், அந்த தேதியில் 'ஊழியர்' என்கிற கூடுதல் அந்தஸ்தை பெற்றதால் அவருக்கு 'சம்பள மாற்றம்' செய்யப்பட்டு , புதிய பென்சன் திரும்ப செய்யப்பட்டது. இதில் 'பிரி பென்சனர்' - போஸ்ட் பென்சனர் distinct செய்யப்பட்டனர். 'பிரி பென்சனர்' அன்று ஊழியர் இல்லை. எனவே அவரது 'பென்சனை' எடுத்துக்கொண்டு அவருக்கு பிட்மெண்ட் பலன்கள் தரப்பட்டன. ஆனால் போஸ்ட் பென்சனருக்கு அவருக்கு நிர்ணயிக்கப்பட்ட 'பென்சனை' எடுத்துக்கொள்ளாமல், அவர் அந்த குறித்த தேதியான 1-1-2006ல் 'ஊழியராக' இருந்ததால், அவருக்கு 'ஊதிய மாற்ற பலன்கள்' அதே பிட்மெண்ட் களுடன் தரப்பட்டன. இது தான் செய்யப்பட்ட distinction.

1-1-2006 முதல் 'புதிய ஊதிய விகிதங்கள்' என்பதால் போஸ்ட் பென்சனர் அனைவரும் எந்தவித distinctionக்கும் உள்ளாகாமல் , அனைவரும் அந்த தேதி 'ஊழியர் என்கிற classification' க்கு உள்ளாயினர். Pre pensionerகளை modified parity என்கிற வகையில், அவரவர் இணையான புதிய ஊதியத்தின் துவக்க ஊதியத்தில் 50 சதத்திற்கு குறையாமல் பென்சன் என்கிற ஏற்பாட்டையும் செய்தது 6 வது ஊதியக்குழு.

7 வது குழுவும் மத்திய அரசாங்க பென்சனர் இடையில் இந்த 'distinctive approach யை' அனுசரிக்காமல் இல்லை. 2.57 பெருக்கு மடங்கு என்பதில் அனுசரிக்கவும் செய்தது. Pre 2016 pensionல் 2.57 என்று பலனடைந்தவரும் உண்டு. அதாவது post 2016 க்கு 'pay revision' - Pre 2016 க்கு 'பென்சனில்' மாற்றம் 2.57 பிட் மெண்ட் பலனுடன் என்கிற district செய்கிறமுறை அனுசரிக்கப்பட்டது. இதை 4-8-2016 OM ல் பார்க்கலாம்.

அதே நேரத்தில் ஊழியர்க்கு அதாவது post 2016 பென்சனருக்கு செய்யப்பட்டது போலவே pay Matrix பயன்படுத்தி , அவரவர் increment stages படி pre 2016 பென்சனருக்கும் (notional pay fixation) நோஷனலாக 'ஊதிய மாற்றம்' செய்து- கவனிக்கவும் ஊதிய மாற்றம் செய்து (அவர் அந்த 1-1-2016ல் ஊழியர் இல்லை என்றாலும்) அதில் 50 சதத்தை 'ஊழியர் ஊதிய மாற்றம் போலவே' பென்சன் என செய்யும் ஆப்ஷன் 7 வது குழுவால் தரப்பட்டது. இன்றுள்ள அரசாங்கமும் அதை ஏற்று 12-5-2017 இப்படி parityக்கான கதவை முழுமையாக திறந்து விட்டது.

ஒருவர் ‘என்று ஓய்வு பெற்றால் என்ன’ , அவர் பென்சன் மாற்றம் ஊதியக்குழு நாளில் அதாவது 1-1-2016 அன்று, 7 வது குழு 12-5-2017 OM படி , புதிய ஊதியங்களின் ‘pay Matrix மூலம்’ ‘அவரவர் ஆண்டுயர்வுத்தொகைகளின் ஸ்டேஜ்படி, ஊழியர் - பென்சனர் வேறுபாடு ஏதுமின்றி தரப்படுதல் என்கிற concept வலுவானது. அதாவது pre காரர் என்ன பென்சனில் இருக்கிறார் என்பதல்ல, முன்னர் என்ன ஊதியத்தில் எந்த ஸ்டேஜில் ஓய்வு பெற்றார் எனப் பார்த்து, ஊதியக்குழு பரிந்துரைப்படியான புதிய சம்பளத்தில் , pre pensionerக்கு இணையான புதிய ஊதியத்தில் - இணையான ஸ்டேஜில் சம்பளம் பெற்றதாக கருதி அதில் பாதியை பென்சனாக தர வேண்டும் என்கிற நியதி வலுவானது. இதனால் pay scales என்பது தெரியாமல் pre pensioner க்கு புதிய பென்சன் எப்படி என்ற கேள்வியும் வலுவானது.

இந்த Pay parity 12-5-2017 சிலருக்கு பலனைத் தராது என அறிந்த 7 வது குழு , 4-8-2016 OM படி 2.57 என்கிற வாய்ப்பையும் தந்து அவர்களை distinct செய்து parity பெயரால் நஷ்டமில்லாமல் பாதுகாக்கவும் செய்தது.

இப்போது பென்சனர் சங்கங்கள் , அரசாங்கம் இப்படி distinct செய்யும் அதிகாரத்தை சட்டப்படி எடுத்துக்கொண்டதை விலக்கக் கோருகிறார்கள். இருந்த distinction என்பதை, இனியும் வருமே என்கிற கவலையில் இதை அவர்கள் சொல்கிறார்கள். distinct செய்வது என்பது pre pensionerக்கு பென்சன் ரிவிசனை deny செய்வது என்று புரிந்து கொள்ளல் ஆகாது என்றே நான் கருதுகிறேன். Distinct வேறு denial வேறு.

இதுவரை அரசாங்கம் 8 வது ஊதியக்குழுவை அமைக்கவில்லை. அமைக்கும்போது , அதில் பென்சனை (1-1-2004 க்கு முன்னரான ஊழியர்க்கு) மாற்றுவது எப்படி என்கிற ToR ஷரத்தும் கொடுக்கப்படும் என்றே நம்புகிறேன். இதில் அரசாங்கம் ஏதாவது ‘உள் குத்து’ வைக்கிறதா என்பதை கவனமாக பார்க்கலாம். அப்படி ஏதும் ‘விஷமம் ‘ இல்லையெனில் pre pensionerக்கு denial என்பதற்கு இடமிருக்காது. அவர்கள் எப்படி distinct செய்யப்படுவார்கள், அதில் இலாப நட்டம் என்ன என்பதை பார்க்க வெகுதூரம் போக வேண்டும்.

சரி bsnl absorbed pensioners case குறித்து இந்த சட்டப்படி என்ன என கொஞ்சமாக சொல்லப் பார்க்கிறேன். மேற்கண்ட மீடியா வெளியீட்டில் கையொப்பம் இட்டவரில் பெரும்பான்மை 9 பேர்கள் இவர்கள்தான்.

முதலில் Finance Act 2025 வரையறுக்கும் பென்சனர் என்பதில் bsnl absorbed pensioners வரவேயில்லை. அவர்கள் CCS Pension Rules -

குறிப்பாக 37 A படி பென்சன் பெறுகிறவர்கள். கீழ் கண்ட வரியை கவனமாக பார்க்க வேண்டுகிறேன். வந்தால் நல்லது மகிழ்ச்சியும் கூட.

இந்த சட்டம் ஷரத்து 148 பேசுவது:

in this part , unless the context otherwise requires

(a) " Pensioner" means a retired Government servant under the pension rules

அடுத்து b ல் அவர்கள் பென்சன் ரூல்ஸ் என்றால் எவை என இருந்த 1972, இருக்கிற 2021, 2023 யை குறிப்பிடுகின்றனர்.

இங்கு 'retired government servant' என அவர்கள் மிக எச்சரிக்கையோடு சொன்னதால், நாம் இந்த விதிக்குள் வரமுடியாமல் போயுள்ளது . வந்திருந்தால் நன்றாக இருந்திருக்கலாம் . இன்னும் விரித்து பார்த்தால் (இது என் விரிப்பு) சிபிசி க்குள் நாம் வரமுடியாமல் போகிறது.

இந்த 148 a மட்டும் மேலே கையொப்பம் இட்ட சங்கத்தலைவர்கள் அழைத்துக்கொள்வது போல pensioner means 'Central civil pensioners' என்றோ ,

Pensioner means 'those getting pension as per CCS pension Rules' என்றோ வந்திருந்தால் (instead of pensioner means a retired government servant) , நாமும் இச்சட்ட வளாகத்தில் நுழைந்திருப்போம். சட்டப்படி சிபிசி க்குள் போவதற்கு வாய்ப்பும் வந்திருக்கும். ஆனால் இந்த சட்டப்படி பென்சனர் என்கிற ' கேட்'க்கு வெளியே நிறுத்தப்பட்டுள்ளோம். இந்த சட்டப்படி நாம் அதற்குரிய பென்சனர் இல்லை. இச்சட்டம் நம்மை பென்சனர் என உள்ளிழுத்துக்கொள்ளவில்லை. நம்மையும் உள்ளிழுத்து வைத்திருந்தால், சங்கக் கோரிக்கையான சிபிசி படி தீர்வு என்பது சற்று எளிதாகியிருக்கும்.

இந்த சட்டம் வரையறுக்கும் பென்சனர் என்ற ஷரத்தை சற்று elastic ஆக Pensioner means all those getting pension as per CCS Pension Rules என்கிற கோரிக்கையை- சிபிசி படி பென்சன் எனக் கோருபவர்கள் பரிசிலீப்பார்களா எனத் தெரியவில்லை.

அப்படி கோரி ஒருவேளை அரசாங்கம் அதை பரிசீலிக்கும் என்றால், அவர்கள் பி எஸ் என் எல் post 2016 மேலும் post 2026 க்கான வழியையும் காண வேண்டியிருக்க்கும்.

அனைத்து சங்கங்களுக்கும் சற்று மாறுபட்டு கருத்துக்களை முன் வைக்க வேண்டியிருக்கிறதே என நானும் வருத்தப்படாமல் இல்லை. ஆனால் மனதில் சரியென உணர்ந்தவற்றை சொல்வது தவறில்லையே

எனத் தோன்றுவதால் எழுதியுள்ளேன். பொருத்தமாக இருந்தால் எடுத்துக்கொள்ளவும். இல்லையெனில் இவ்வெழுத்து இருக்க வேண்டிய இடம் dust bin.

09.30 hrs - R Pattabiraman

Ap 12 2025

This evening by 17 hours, com Kulkarni, a leader of Maharashtra Pensioners (Ex Secretary NFTE telecom union) spoken to me and discussed about the Delhi HC order sheet dated 8-4-2025.

Finance Act 2025 - 'the relevant portion giving authority to GOI to make distinction between pensioners' was the main topic of our dialogue. On my part I just told my view points on two broad things.

One is about the applicability of the Finance Act 2025 that 'validation portion' to BSNL IDA combined service pensioners.This act is defining the 'Pensioner' as only those retired from the Government service. If we are also included as part of that definition, that is by saying 'Retirees who are all getting pension from GOI as per pension rules are pensioners' as per this act, then that would in a way help the claim of CPC' s applicability to the combined service BSNL IDA pensioners. In that case GOI should find a solution to post 2016/ 2026 (if 7th CPC/ 8th CPC) pensioners. I do not know whether any association accepts this, and demand so to the GOI.

The second one is about S 30 pensioners issue and the relevant Order Sheet of Delhi HC dated 8-4-2025. GOI safely pointed out the Finance Act , that obliterates the court order dated 20-3-2024, and Govt is not obliged to implement the said order.

Then the relevant question on our discussion is bsnl pensioners case , coming on April 22, 2025. Whether GOI quotes the same Finance ACT 2025 and free themselves from implementing PB CAT judgement? If the GOI quotes so, then bsnl pensioners side may raise a pertinent question ' whether BSNL IDA pensioners are also covered by this act- within the definition of ' pensioner' as per the act. When GOI quotes the Act, they have to say yes. Then in that case , bsnl IDA combined pensioners may also be part of CPC orders and expenditure .

If they do not quote this ACT in bsnl case , then they have to rely upon their statement that pension revision is possible, only when pay revision is there in the BSNL and CPC is not applicable to these combined service pensioners.

Let us wait and see, how this act is going to be viewed in bsnl case that is coming on 22-4-2025.

I recorded this conversation for the benefit of those who are all interested to monitor these cases.

18 hrs 12-4-2025 R. Pattabiraman

ap 15 2025

‘Pensioner’ defined Blessing in Disguise ?

Almost all the CG pensioners are against the Finance Act 2025 , and demanding the CG to withdraw the relevant portions. The main apprehension or strong objection of them is the authority that the CG assumed by this act, to distinct pensioners on the date of retirement or any other prescribed date.

‘Non CG pensioners’s associations ‘ are also more vocal on this issue, thinking and reconciling their masses that this Rakshas Act killing and devouring the CG pensioners may come tomorrow to gallop them also. So the mounted anger amongst the non CG pensioners.

Independent India, first time is witnessing, a statutory definition for who a ‘pensioner’ is by this Finance Act 2025.

The GOI might have felt not only the ‘hits’ of the courts but also about the inadequacy of defining ‘pensioner’ in the said CCS pension rules 1972 or 2021. There is no definition for pensioner in these rules as these rules are named pension rules. If any article of these rules defined ‘pensioner’, then the act might have mentioned that article of these rules to define ‘pensioner’. Any way by this act the CG pensioners have obtained a statutory definition for ‘pensioner’. If they want the validation and expenditure portion of the act to be removed, this article defining pensioner will also be removed.

So they have to find a way , how the distinction not affect the post 2026 pensioners least the best, if at all any such distinction recommended by 8th CPC.

Coming to BSNL IDA pensioners, their nomenclature was given by some DOT clarifications/ orders, though they are all getting pension from GOI as per 37 A rules, part of CCS pension rules . As on date, though they are getting pension from GOI as per CCS pension rules, BSNL IDA pensioners do not have any statutory definition for ‘pensioner’. They are not coming within the scope of Finance Act 2025 definition by ‘art 148 a’- which allows retired government servant only in its ambit.

Though the optees of BSNL “ shall cease to be government servants ‘, but they were ‘deemed to have retired from government service’ on the date of acceptance of option by the GOI, that is on 1-10-2000. Unfortunately or fortunately, the combined service employees opted to the bsnl , actually started retiring as bsnl IDA pensioners only availing higher pay package than the CG Retirees just before 7 th CPC. Can we use ‘The deemed to have retired as govt service’ Part as our lien to jump into this act?

As per the Finance Act art 148 a, getting pension as per CCS pension rules alone is not a sufficient condition for coming to the ambit of statutory definition of ‘pensioner’. Art 148 b - defines ‘ pension rules’ means , CCS pension rules. Though all the articles of these rules are not applicable to us, 37 A is applicable and some other rules are made applicable as when the context so demanded.

Those who have strong commitment to demand applicability of CPC (7th CPC as on date), may think of efforts , bringing bsnl Ida pensioners also within the definition of ‘pensioner’ . Once the ‘combined service Retirees ‘ is also a part of 148 a, then automatically they should be within the scope of CPC recommendations. If accepted by the GOI, they have to take care of ‘post that is future pensioners’ cases’, say post 2016 or post 2026.

If we cannot go within the definition , then we may be forced to wait for pay revision of bsnl employees and thereafter pension revision or simultaneously both revisions , if DOT is so magnanimous. I felt the blessing in disguise.

The significance of statutory definition for CG pensioner should not be undermined .

I know my limitations. The wisdom of pensioners associations only grip the masses and make them act in unison. Let them succeed in their efforts.

15-4-2025 10.30 hrs R. Pattabiraman

Ap 25 2025

Finding Answers to Questions

Or

My Answers to My Questions

Is there any amendment to CCS pension Rules?

Ans: There is no amendment to CCS Pension Rules as on date. That 'part of keeping distinction' amongst pensioners is a validation legislation as on date. I do not know when they insert it in the rules on which article or after which article.

Is there any change in the CCS Pension Rules due to Finance Act 2025?

Ans : There is no change in any one of the articles as on date- what were existing before March 28th 2025 , the same rules are existing on or after March 29 th 2025 till this date. I do not know when that 'part of validation legislation' is going to find its place in the rules.

Whether the 'assumed authority' by the Government retrospectively from 1972 , would snatch the benefits that the pensioners availed and availing as per Judgments ?

Ans : No such findings . They can continue to avail all the benefits as directed by the courts and implemented by the orders of the Govt , even beyond that date March 29 ,2025

What is the implication of assuming the authority through Finance Act 2025 , retrospectively since 1972?

Ans : As per my understanding, this is assumed notionally only (the past implemented cases will not get affected) and the ' so assumed authority' actually get its translation in practice from March 29 , 2025- that is for the post cases yet to be implemented and for the new cases coming on or after that March 29 ,2025

Whether the apprehension of the pensioners is correct about future court cases?

Ans: The apprehension is certainly correct regarding future cases, and the judgment of cases yet to be implemented- like S30. But court has the power to review any legislation.

Regarding S30 case?

Ans : No one can predict in which direction court decides on matters like contempt referral and connected directions of the judgement of March 2024. Government is defending its authority thro Finance Act

Is there any diabolical designs by the GOI to stop pension revision to Central Govt Pensioners ?

Ans: I don't find any such designs as on date.

Whether the proposed 8 th CPC by the GOI would stop pension revision to the existing pensioners?

Ans : I don't think so, but I have to wait till at least the setting up of 8th CPC with its Terms of Reference

Is there any distinction amongst CPC pensioners on the date of implementation of earlier CPCs?

Ans: Yes. The distinction was there till even 7th CPC OM dated 4-8-2016. This distinction of pre and post pensioners were due to their contradistinction as pensioners and employees on that date. Though both were pensioners, post pensioners had that distinction as employees on that date and so their eligibility for pay fixation as per Pay revision rules also.

But another OM dated 12-5-2017 gave option to Pre 2016 pensioners to go along with pay matrix notionally , if advantageous to them. Hence for pre 2016 pensioners , both the distinction made OM 4-8-2016 and allowing pay matrix OM 12-5-2017 avoiding distinction if advantageous, are existing . As per 7 th CPC calculation even 'the distinction made vide OM 4-8-2016' was advantageous to some pensioners. I don't have the figure how many availed this distinction.

Can you speculate about 8 th CPC , in what way they decide the distinction?

Ans : It is difficult for me to speculate and it is beyond my imagination to predict what the yet constituted 8th CPC would recommend about this. One thing is certain- They have to limit themselves within the boundaries of TOR, normally. I have to understand my limitation and cannot stretch too far.

What is all about to BSNL IDA pensioners regarding Finance Act 2025?

Ans : As per my reading this act has no direct bearings on BSNL IDA pensioners. If it has, then there is a case for them to claim CPC applicability. GOI has defined who are 'pensioners' in that act. Retired from government service and getting pension as per CCS pension rules are the two qualifications, I find in that act.

But BSNL IDA pensioners are having only one qualification, that is pension as per 37 A of CCS pension rules.

I do not know whether GOI would consider as 'Lien' the 37 A provision 'deemed retired' for 'retired government service'. If that is given as a special case, then the applicability of this act to BSNL IDA pensioners may be thought of.

What is the implication, if the Finance Act is applicable to all CCS pensioners including BSNL IDA pensioners?

Ans: In that context, case for full applicability of CPC as that of CG pensioners (not some applicability or any separate incorporation of some CPC recommendations as existing today due to 37 A rule 8 , the one com OPG fought singularly) gets stronger.

But the issue for GOI is all about post pensioners, as they are all employees also on that date. They have to find a solution to the employees retiring on or after 1-1- 2016 , in the case of applicability of 7th CPC to pre 2016 bsnl absorbed combined service pensioners .

What will happen, if the miracle of 3rd PRC is implemented before any finality on 7 th CPC court case?

Ans: I have to express my happiness if 3 rd PRC is settled to the bsnl employees from 1-1-2017 even notionally . I do not know what will then be the fate of pre 2017 pensioners. They may have to wait till the court case reaches its finality. DOT in that case may show the banner 'sub judice '.

It is difficult to for me to predict which one surpasses, finality of 7th CPC court case or settlement of 3 rd PRC, as uncertainties are looming large in both the tracks

07 hrs. 25-4-2025 R. Pattabiraman

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May 23 2025

NJCM SC 63rd Meeting dated Ap 23, 2025

The Standing Committee of NJCM held on Ap 23, 2025, admitting an item regarding BSNL absorbed pensioners is really a welcome step.

we have to thank the leaders of NJCM com Shiv Gopal Mishra and com C. SriKumar for not only making it an item admitted, also for bringing a good discussion on that item and getting the reply for that item.

"Item no. 18/SC/63/25 Revision of Pension for BSNL pensioners (DOT)

on the insistence of the staff side that the Department of Telecom may reconsider the matter since the affected persons are pensioners in the age of 70 plus and 80 plus etc. Department of Telecom explained that at present the matter is sub judice. it was decided to wait for the outcome of the case."

I do not know the entire discussion on that issue verbatim between staff side and Official side, I find no negativity in the given minutes. Though 70 plus or 80 plus may not be the main qualification for one to get pension revision, it reflects the tendency of expressing the felt urgency to find some solution. So the advise to DOT to reconsider the matter.

This minutes is issued by the DOPT, the department which advises all the ministries regarding the court cases and what to do when the judgment goes against the existing policy of the Government. That DOPT is telling DOT to reconsider the matter. One can also see some other nodal ministries like DOPPW and DOE officials were also participated with DOT DDG.

DOT DDG did her role, playing her part by telling the wage revision role in pension revision and the existing court case at Delhi HC and so the minutes also reflected that sub judice matter.

The positive side is no one objected that why BSNL PSU retirees matter is taken in NJCM item.

Though the minutes does not speak explicitly about the mode of pension revision, the discussion was on the background of CAT and CCS Pension rules (Inputs from com SriKumar)

one has to appreciate the grand efforts that the leadership of AIBSNLPWA, its team of GS and com R S N Murthy, staying at Delhi meeting secretary DOPT, Secretary DOPPW and other higher officials. Their efforts were also there in meeting FM at Visak . At Delhi they met NJCM staff side Secretary com Shiv Gopal also . All these efforts helped to bring the item to NJCM. Thanks to all leaders for their good work .

I do not want to stretch the minutes beyond factual inputs, as if things are settled in favour of CPC route. As the minutes reports, one has to wait for the outcome of the Delhi HC case.

If DOT is also in a position to reconsider the matter of pension revision taking the minutes in all its spirit, then hurdles would be less to realise the demand of pension revision.

Post 2016/ Post 2017 is the connecting issue that still stands on the question of pension revision as per CPC/ PRC. The pay matrix/ Pay scales are still a matter standing on this issue.

Life is nothing but hope only. Let us hope, the efforts of all the leaders , striving pension revision of BSNL absorbed bear fruit .

11 hrs 23-5-2025 R. Pattabiraman

may 28 2025

உயர்நீதிமன்ற நீதிபதிகள் ஒரே வர்க்கத்தினர் - OROP தீர்ப்பு

உச்சநீதிமன்ற மற்றும் உயர்நீதிமன்ற நீதிபதிகளுக்கு சம்பளம் அலவன்ஸ் பென்சன் போன்றவற்றிற்கு 1958 சட்டம், 1954 சட்டம் இருக்கிறது. ஊதியக்குழு முடிவுகள் வந்தபின்னர் கமிட்டி ஒன்றை நீதிமன்றம் அமைத்து அறிக்கையை மத்திய அரசிற்கு நாடாளுமன்ற ஒப்புதலுக்கு அனுப்பி, புதிய ஊதியம் அலவன்ஸ், ஓய்வு பலன்கள் கொடுக்கப்பட்டு வருகின்றன. ஓய்வூதியத்தை மத்திய அரசிடமிருந்து- consolidated Fund லிருந்து அந்த நீதிபதிகள் பெற்று வருகின்றனர்.

உயர்நீதி மன்ற நீதிபதிகள் சார்ந்த ஏராள பென்சன் வழக்குகள் அவ்வப்போது வந்துள்ளன. தற்போது மே19 அன்று உச்சநீதிமன்ற தலைமை நீதிபதி திருமிகு பி ஆர் கவாய் உள்ளிட்ட மூன்று நீதிபதிகள் முக்கிய தீர்ப்பு ஒன்றை உயர்நீதிமன்ற நீதிபதிகளின் ஓய்வூதியம் தொடர்பாக தந்துள்ளனர்.

உயர்நீதிமன்ற நீதிபதிகள் constitutional service படி as a class- அரசமைப்பு சமத்துவ விதி 14 படி அவர்களை வேறுபடுத்தி பார்க்கக்கூடாது. உயர்நீதிமன்ற நீதிபதி எவரானாலும் one rank one pension படி முழு ஓய்வூதியம் பெற தகுதி உடையவர்கள். தலைமை நீதிபதி எனில் முழு பென்சன் ஆண்டிற்கு 15 லட்சம், நீதிபதி எனில் முழு பென்சன் ஆண்டிற்கு 13.5 லட்சம் என மத்திய அரசாங்கம் பென்சன் வழங்கிட வேண்டும் என பணித்துள்ளது உச்சநீதிமன்றம்.

அவர்கள் மாவட்டத்திலிருந்து வந்தார்களா, பார் கவுன்சில் வழி வந்தார்களா, அடிஷனல் நீதிபதியாக இருந்தார்களா, மாவட்ட பதவிக்கும் உயர் நீதிமன்ற நீதிபதி ஆவதற்கும் இடையில் பிரேக் இருந்ததா என எதையும் பார்க்காமல், உயர் நீதிமன்ற நீதிபதிகளுக்கு ரூ 13.5 லட்சம் ஆண்டிற்கு , தலைமை நீதிபதி எனில் ரூ 15 லட்சம் ஆண்டிற்கு என தீர்ப்பு எழுதியுள்ளனர்.

இதைவிட இத்தீர்ப்பில் சிறப்பு என்னவெனில், அவர் NPS திட்டப்படி மாவட்ட மட்டத்தில் நுழைந்தாலும், உயர் நீதிமன்ற நீதிபதியாகிவிட்டார் எனில் அவரையும் பிரித்து பார்க்காமல், அவரும் அந்த ஒரேவர்க்க பிராக்கட்டில் வைக்கப்பட்டு one rank one pensionல்

வருகிறார். அவருக்கு சொல்லப்பட்ட முழு பென்சனை மத்திய அரசாங்கம் தரவேண்டும்.

அது மட்டுமல்ல அவர்களால் செலுத்தப்பட்ட என்பிஎஸ் பென்சனுக்கான contribution எவ்வளவு சேர்ந்துள்ளதோ அதை டிவிடண்ட் இருந்தால் அத்துடன் சேர்த்து அந்த நீதிபதி ஓய்வு பெறும்போது கொடுத்துவிடவேண்டும் எனவும் தீர்ப்பு எழுதியுள்ளனர்.

இத்தீர்ப்பில் குறிப்பிடத் தகுந்த மற்றொரு பாரா

We direct that Union of India shall follow the principle of 'one rank one pension' to all the retired Judges of HC irrespective of their source of entry ..and irrespective of number of years that they have served as a District Judge or a HC Judge and all of them shall be paid full pension as aforesaid.

குடும்ப ஓய்வூதிய குறித்தும் தீர்ப்பிலே சொல்லியுள்ளனர்.

No discrimination amongst HC judges - doing Constitutional service on the issue of fixation of pension - that is as a class eligible for OROP என்பதை இத்தீர்ப்பு பேசுகிறது.

Retired HC Judges as pensioners are not coming within the ambit Finance Act 2025 defined pensioners என்பது கவனிக்கப்பட வேண்டிய மிக முக்கிய அம்சம். எனவே 63 பக்க இத்தீர்ப்பு பல்வேறு காரணங்களால்..அதாவது

Break in service, period of service, NPS , additional judge only not permanent one போன்றவற்றால் நிலவிய வேறுபாடுகளை அகற்றி, உயர்நீதிமன்ற நீதிபதியாக ஓய்வு பெறுகிறாரா , அவ்வாறெனில் அவருக்கு முழு பென்சன் என்கிற தீர்ப்பை கொடுத்துள்ளனர்.

நம் பிஎஸ் என் எல் நிறுவனத்திலிருந்து ஓய்வு பெற்ற ஆயிரக்கணக்கானவர்க்கு இன்னும் மத்திய அரசாங்க குறைந்தபட்ச பென்சன் ரூ 9000 அதாவது வருடத்திற்கு ரூ லட்சத்து எட்டாயிரம் என்பதையே நம்மால் பெறமுடியவில்லை. கடந்த 18 ஆண்டுகளாக ரூ 3500 குறைந்த பட்ச ஊதிய நிலை என்பதை மாற்றாமல் வைத்துள்ளனர். IDAவை காரணமாக்கி இந்த பாரபட்சம் தொடர்கிறது. பென்சன் மாற்றம் வந்தால் மாறிவிடும் என்கிற ஆறுதல் சொல்லப்பட்டு வருகிறது.

இத்தீர்ப்பு பற்றி நான் சொல்ல வந்த காரணம், நீதிமன்றம் finance act 2025 இருந்தாலும், அச்சட்ட வரம்பிற்குள் வராதவர்க்கு OROP - full pension என்கிற தீர்ப்பை தரமுடிகிறது என்பதை சுட்டிக்காட்டத்தான்...

14 hrs 28-5-2025

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may 25 2025

wastage of energy for a secondary issue

I happened to see a news reporting in the name of SNPWA about the decision of SNPWA, AIBSNLPWA and RTWOA - filing Writ Petition in the Hon SC to challenge the Finance Act 2025 regarding its validation portion.

No one can question their wisdom if they decide and get the approval of their organisation.

But according to my perception, it is utter wastage of their valuable energy and accountable money of the pensioners. I do not claim that I have the monopoly of truth or bag full of facts, but my inner voice and reading of that ACT is telling me, that going to SC by BSNL Retirees have no substantial basis.

Organisation should not dissipate their energy and money for no issue directly involved them, though apprehension of affecting us involved may be there in some section. Money need not be spent just to satisfy the ego or subjectivity of those who lead the organisation. Solidarity demonstrations is different , but direct involving is wastage of energy without waiting what and how the major CG associations are acting.

One can appreciate , the leaders pursuing continuously to place the BSNL absorbed combined service IDA pensioners in the map of CG Pensioners. I understand it as their primary task. Also, one can understand their 'Focus' on that, though it has its own hurdles . But it is difficult to understand, spending money to the dare devil advocates demanding lakhs for a sitting, that also for an issue, not directly connected to BSNL combined pensioners, though getting pension as per CCS pension rules.

BSNL combined IDA pensioners retiring from the PSU is not coming within the ambit of the definition of 'Pensioners', as stated in the Finance Act. When already BSNL pensioners were / are differently treated through insertion of an amendment namely 37 A rules in the CCS Rules, that is distinction made comparing CG pensioners , where is the new applicability of distinction as per this ACT? On that particular date 1-10-2000, Govt already made their distinction between CG pensioners and the future BSNL absorbed combined service IDA pensioners. This distinction was objected by none of the CG pensioners Associations on that date.

One can understand the apprehension of CG pensioners on Finance Act 2025 , their worry about complete parity, but in what way the BSNL absorbed pensioners are being affected..BSNL IDA pensioners are getting pension as per 2nd PRC scales. What is the grievance of pre 2007 with post 2007 when orders for pension revision issued during March 2011. Most of the court cases raised were by pointing out the GOI OM 12-5-2017 only , which one is applicable to CG pensioners having pay matrix of 7th

CPC. S 30 case is the main cause and that triggered Finance ACT to have that validation and power to distinguish the pensioners retiring from Government service.

Due to this Finance Bill the S 30 pensioners - high profile pensioners affected, so the CG pensioners affected and so heavily the BSNL absorbed pensioners affected is the main argument placed before us. It sounds neither good nor qualified to file WP to SC on behalf of BSNL IDA pensioners.

If at all one is serious to go to SC and wish to spend money, then it is better to seek amendment in the definition of Pensioners in the ACT, covering bsnl absorbed pensioners also. Creating fear psychosis like pre CG pensioners would not get pension revision is to the core absurd one

Think twice before spending lakhs of rupees to the high profile gifted tongued advocates. I am nothing in any of these organisation, just a member of PWA, but however feeble my voice may be , I should echo what I feel right. It does not mean I alone right.

25-5-2025 8.30 hrs R. Pattabiraman

May 26 2025

டிஸ்மிசல் பென்ஷன் உரிமை இனி இல்லை..

பி எஸ் என் எல் பொதுத்துறைக்கு உள்ளே வந்தபோது 4 லட்சம் ஊழியர்களுக்கான பென்ஷன் பாதுகாப்பு விதிகளில் தோழர் குப்தா தனித்த கவனம் செலுத்தி , போராட்டம்- உடன்பாடு மூலம் 37 ஏ விதி திருத்தம் பல்வேறு உபவிதிகளுடன் வந்தது. இதற்கு உதவியாக வள்ளிநாயகம் போன்ற தோழர்கள் நின்றனர்.

மத்திய அரசு ஊழியர்களுக்கு இல்லாத , உபவிதிகளில் மிக முக்கிய பாதுகாப்பு ஒன்றை 24 சி மூலம் தோழர் குப்தா நிலைநாட்டினார். மத்திய அரசு பணியாளர் ஒருவர் தவறு செய்து டிஸ்மிஸ் செய்யப்பட்டால் அவர் பென்ஷன் பலன்களை முற்றிலுமாக இழந்து விடுவார் என்ற நிலையில், அதையே அரசாங்க அதிகாரிகள் இங்கே கொணர நினைத்தனர். மத்திய அரசு பணியில் தவறு செய்தால் டிஸ்மிஸ் ஆனால் சரி, ஆனால் அங்கு சேவையில் தவறு ஏதும் செய்யாமல் , பொதுத்துறைக்கு வருகிற ஒருவரை எப்படி இங்கு தவறு செய்தார்- டிஸ்மிஸ் ஆனார் என பென்ஷனை நிறுத்த முடியும் என்கிற வலுவான வாதத்தை தோழர் குப்தா வைத்தார். 2009ல் DOT தன் விளக்கத்தை கொடுத்து பாதுகாப்பை சேர்க்க வைத்தார்.

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The dismissal or removal from service of PSU of any employee after his absorption for any subsequent misconduct shall not amount to forfeiture of the retirement benefits for the service rendered under Government.…

என்பதை பெற்றவுடன் , NFTE சங்கம் இந்தியா முழுவதும் டிஸ்மிசலில் இருந்து , நாம் அறிய வந்த 47 தோழர்களுக்கான வாழ்வாதாரம் பெற நடவடிக்கை எடுத்து தீர்த்தது. தமிழகம் அன்று முன்கை எடுத்தது. இங்கு CGM , PGM, DGM ஆக இருந்த திரு வரதராஜன், சண்முகசுந்தரம், தமிழ்மணி (பின் இருவரும் CGM ஆக உயர்ந்து ஓய்வுபெற்றனர்) ஆகியோர் பாதிக்கப்பட்ட தோழர்களின் நல்வாழ்விற்கு நிர்வாகரீதியாக உதவியாக நின்றனர்.

இப்போது இந்த பாதுகாப்பு விதி இல்லாமல் போயுள்ளது. உச்சநீதிமன்ற தீர்ப்பு ஒன்றால், இவ்விதி இனி இல்லாமல் போகலாம் என்கிற பதிவை மார்ச் 6 , 2025ல் செய்திருந்தேன். தற்போது, மே 23, 2025 அன்று DOPPw அரசிதழ் அறிவிப்பு மூலம் திருத்தத்தை வெளியிட்டுள்ளது.

புதிய விதி CCS PR 2021 - 37 - 29 c இனி இவ்வாறே அமையும்

The dismissal or removal from service of the PSU of any employee after his absorption for any subsequent misconduct shall lead to forfeiture of the retirement benefits for the service rendered under the Government also…

இந்த விதிப்படி முன்னர் கொடுக்கப்பட்ட பாதுகாப்பு நீக்கப்பட்டுள்ளது. இருக்கிற தோழர்களில் எவரும் டிஸ்மிஸ் ஆகிற அளவிலான தவறு ஏதும் செய்யாமல் தங்களை கவனமாக காத்துக்கொள்ள வேண்டும். Dismissal case ஏதும் இருக்காது, இனி வராது என நம்புவோம்.. 26-5-2025

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May 27 2025

Finding solution is always an issue for any issue. When we are interested in bickerings and satisfied exhibiting hatred of fire, then we miss the road of solution. When you take weapons then it becomes more complicated.

Exposing undesirable activities is not an end itself. Stopping with Pointing fingers and glorifying that action may satisfy oneself but ..

When we talk on mere assumptions or on our perceptions, without efforts to find and fill our arguments with facts, we normally satisfy with our fire tongue .

Facts only lead us to the road of solution, not mere assumptions or stamping others, who we feel them as 'the others'.

For any civilised dialogue and solution, either one should have facts to speak or allowing to take note of the other side's argument. Slanders without putting facts in the public domain will lead us nowhere.

The rulers or rebels should focus more on dialogues to find solution, than intending to annihilate one other.

The court of One's mind is the best judge for him or her only than judging others and so trail of others with our mindset may lead to misjudgments. One's own trail by their mind space is the best trail, in the case of others the trail should be possible only when you have hard facts with you.

Bhaktas or Saints may expect miracles, but not rulers or rebels. They should stand for the best solutions with least expenditure of energy. No one is the holder of monopoly of truth. Everyone is having his or her sense of doing things. One should aim to find solution even in all dust and storm.

Solution to any issue should have a small road map atleast. Those who want to bring solution, should have the forethought of what is their primary issue and how to substantiate that with all available facts and what should be the road map for reaching the real destination. For that one should stop roaming on the mind of imaginations or mere desires.

The only civilised way in any democratic society is dialogue with dignity. Hatred begets hatred only. Militancy does not mean impoliteness.

Either the ruler the Government or the rebels like Naxals, both have their arguments or counter arguments since the last 50 years. Each has their methods of weapons to deal and claims of rights in the name of people.

Dialogue with all dignity is the only way to the solution of any so called extremism.

Let us hope better sense prevail..

May 31 2025

Again on Finance Act 2025

I found some misconceptions even in the wisest places where dedication and experiences reside. I understand the anger and desire to fight out the provisions empowering the Govt to distinguish the pensioners

There is a strong feeling amongst CG pensioners Associations that GOI has taken a serious offence against them by inserting Part IV provisions in that act.

The subject matter has two parts namely

-Validation of the CCS Pension Rules

-Principles for Expenditure on Pension Liabilities from the Consolidated Fund of India

One should understand that this 'principles' becomes a serious and contentious issue now.

One should not miss that these validation and principles are applicable to those pensioners defined by 148 a b of this act. Pensioner here is retired government servant and Pension rules are CCS pension rules. If one feels the attack then It is direct to CG Retired pensioners only as on date.

The contentious issue is 149 , 150 paras

-without prejudice to the provisions of pension rules, the Central Govt shall have the authority to establish distinctions among pensioners as a general principle

- distinction may be made or maintained which may emanate from the accepted recommendations of CPC

- and distinction may be made on the basis of date of retirement or the date of operationalisation of an accepted recommendation

- Norms and method of pension revision as per accepted recommendations of CPC shall be effective from such a date as may be determined by the CG and the benefit of such accepted recommendation shall not be given effect to from an earlier date

- It is clarified that the CG has the authority and shall always has the authority, to classify its pensioners…

So in this act, GOI defined who the pensioners are and mentioned what are CCS pension rules.

Mention of CPC , its recommendations, acceptance , pension revision are all there but authority to distinguish the pensioners empowering GOI through an act is the new one.

All along we find CCS pension rules only and now Validation of CCS rules becomes part of this act. There is no amendment in any part of CCS Rules as on date. No provision is made as per this act in the CCS pension Rules to empower the Govt to discriminate the past and future pensioners as understood by some unions or associations. The act does not touch any portion of the existing CCS pension rules, instead did validation only.

The second misconception is all about denial of pension revision to the past pensioners after this act. No such denial is found in the provisions of that act. The only provision is the Govt authority to distinguish pensioners as per the date of appointment or date of acceptance of the CPC recommendations. Distinction does not mean denial.

One can understand the worry or concern of complete parity as given by 7 th CPc vide its 12th May 2017 between past and future pensioners after the arrival of act. This was the recommendation of 7 th CPC only. The earlier CPCs recommendations were not on complete parity basis , only on modified parity and distinction was there between past pensioners and future pensioners on that dates, as they were employees also. Even the 7th CPC om dated 4-8-2016 maintained that modified parity only , not complete parity . Some pensioners felt complete parity as per 12-5-2017 was not advantageous to them and accepted modified parity as per 4-8-2016 , the one advantageous to them. Even 7 th CPC made both the illustrations ‘with distinction and without distinction’.

What happened thro this act is - distinctions made by earlier CPCs and orders as per OMs are now validated retrospectively and power to distinguish pensioners in future also obtained - also principles ensured to distinguish for pension liabilities if any CPC recommendation.

This act did not stand as a bar in the case High Court Judges pension case judgement which came after this act , though they also get pension from consolidated Fund of India. Distinction is also there, though High Court judges as a class, they are not part of Supreme Court judges who have a separate act . All judges are not of a same class. District courts , high courts, supreme courts classification is there.

In sum and substance ,

There have been distinctions all along between post and pre pensioners , this act validated the same by empowering GOI to do such distinction retrospectively and in future also. The future pensioners are not only pensioners on the date of recommendation or date of OMs but employees on a particular cut of date. So they were, in future they are eligible to pay revision as per the new pay scales.

The may12, 2017 om extended this pay matrix based fixation to the pre pensioners also like that of pay revision of post pensioners. This complete parity started haunting and so litigations in galore. The lack of authority of govt thro some act to distinguish pensioners was triggered by S 30 case and that led to the arrival of this act.

The apprehension that 8th CPC would not give any pension revision to pre 2026 pensioners and only give to post 2026 is not based on any factual evidence. One has to wait for the terms of reference to be issued for the 8 th CPC.

All I understand is the associations are demanding pay revision to pre pensioners also as that of post pensioners as per pay matrix given by 7th CPc, in the name of complete parity in the future also. The litigations based on may 12 2017 Om for complete parity , equality of law as per 14 of constitution have served favour to pensioners till the enactment of this law. One has to wait and see , how the courts are going to decide the fate of the provisions of Finance Act 2025 . If they say the provisions are against constitutional spirit, then that day is victorious to the associations.

11 hrs 31-5-2025 R. Pattabiraman

June 12 2025

Challenging the FA 2025 as Unconstitutional

The S 30 pensioners have successfully made their WP listed in the SC on 23-5-2025. One can understand the felt urgency of other CG pensioners' Associations joining the court rooms with S30, but fail to understand the interests shown by BSNL absorbed combined pensioners joining this chorus. BSNL pensioners are not at all in the ambit of the provisions of this Act which clearly defines who are the pensioners, for whom the act is framed. So their spending at this juncture is sheer wastage of money.

The prayer of S 30 is on three aspects . They want their Delhi judgement upheld by SC dated 4-10-2024 must be implemented with arrears , also with 12 % interest for the delayed period. The other aspect is praying an appropriate writ or order declaring

" validation of CCS pension rules and principles for Expenditure on pension liabilities from the consolidated fund of India " as inserted by the Finance Act as unconstitutional, ultra wires, and illegal. This only becomes a hurdle for them to get their Delhi judgement implemented.

The point missed by many is, this validating act validated the complete parity OM 12-5-2017 also without any prejudice, and the benefits obtained by the past pensioners as on 1-1-2016 untouched.

When one accepts CCS Pension Rules which have been in operation since 1972 and subsequently 2021, then how the validation of the same becomes illegal , ultra wires and unconstitutional .

One can understand ' questioning the govt' on the issue of distinction, because there was an option to seek complete parity as per pay matrix like that of existing pensioners to the past pensioners given vide its om may 12, 2017. But one should also understand, it was the recommendation of 7 th CPC only, implemented by this same government. Upto 7th CPC, and even in the 7th CPC , the distinction between existing pensioners and past pensioners as per the cut off date was also there vide OM 4-8-2016. The distinction was, while existing pensioners got their change of pension through pay revision, the past pensioners got pension revision as per the recommendation.

What is the issue or main contention?

Treatment of existing and past pensioners- right to impose distinctions

Govt's felt 'Necessity to deal with the interpretation of the courts' and to address the issue relating to pensioners of the Central Government and expedient to retain the relevance of having such distinction by a validation legislation, dealing with pension rules and instructions issued from time to time in this regard.

How distinctions emanate?

May be as per recommendations of CPC, one as Pay revision to the existing pensioners and the other pension revision to the past pensioners on a particular cut off date.

So the distinction emanates - On the date of retirement or the date of operationalisation of an accepted recommendation of a CPC

The central govt checked the distinctions prevailed all along as per various CPCs and OMs issued and validated the same through this Act.

Though the Act has its power brought to CG retrospectively back from 1972, previous court cases or the benefits accrued and implemented as per the directions on or after 1972 till the date of enactment of this act viz 29-3-2025 were untouched by this Act. But citing them in the future cases becomes questionable by this act.

To validate means

- to make officially acceptable or approved, especially after examining it

-To state or show that something is legal or official

-To prove or confirm that it is true or correct

- to put mark on to show that it has been checked and is official

- Validate implies establishing validity by authoritative affirmation or by factual proof

This act only defines who is a pensioner vide its para 148 a , b.- and as per this definition BSNL combined service Retirees getting pension as per CCS pension rules are not covered in this act. Spending money for an ACT which is not directly involving is not a prudent act.

BSNL absorbed pensioners were already a distinct pensioners since 1-10-2000, comparing the CG Retirees pensioners. No new distinction is found amongst them. There was also distinction maintained amongst bsnl combined service pensioners on 1-1-2007 between the existing and past pensioners on that date. So distinctions were there . The Govt is validating the distinctions amongst CG pensioners thro this act , challenging the court cases that smashed distinctions. Even after Nagara case, the distinction between existing and past pensioners were there till 7 th CPC OM dated 12-5-2017.

Govt has power to legislate and bring an ACT. Court may challenge that as per their wisdom of the constitution . Govt may set the gaps filled and enact a new one. This one is cyclic in any democratic republic. Associations can exercise their democratic right to challenge the govt or lower courts. Relevance of doing is debatable in any organisation…

As usual I understand my limitations, that does not also mean that I am undermining the worth of my views.

08 hrs 12-6-2025 R. Pattabiraman

June 19 2025

The letter addressed to the Cabinet Secretary on behalf of NJCM staff side of CG employees by com Shiv Gopal Mishra is timely. The subject matter is ' Requesting circulation of TOR of the 8th CPC'. The letter dated is 18-6-2025.

Though DOPT by its Jan 23, 2025 letter communicated the Govt's decision to constitute 8th CPC, it is unfortunate no such visible action is found till this date.

This BJP govt headed by Shri Modi is more sound based than doing things as expected by the concerned stakeholders . Govt is not expected to end themselves in mere announcements or pronouncements for obvious other political benefits. The delay is irksome to the CG employees and Pensioners also.

Com Shivgopal in his letter rightly pointed about the apprehension about the delay. He has also correctly derived, though the FA 2025 directly refers not so, that the govt retains discretion over whether or not to extend the benefit of pay fixation under the 8th CPC to pensioners.

In a way , this letter indirectly given a reply to all those spreading rumours that ' no pension revision to all those retired to past pensioners' . Here , in this letter, the clarification sought is 'whether the same pay fixation is to be extended to the past pensioners - and the demand placed is 'shall also be extended to the past pensioners'.

Hope the staff side may sit together and send a holistic common memo to CPC, narrating all their common demands.

The apprehension of com ShivGopal Misra is based on found FA Act , whereby Govt is vested with the power to distinguish the past and future pensioners.

The distinction was earlier qualified as there were two types of pensioners.

One 'past pensioners' - not employees on that date

The other 'existing pensioners', but employees on that date .

Since the existing pensioners were employees on that date, they were also eligible to get 'pay fixation' on that date as per the full length of scales and thereby their pension updation as per the om date. But the 'past pensioners' on that date were eligible for pension revision, but the minimum pension was linked with the new scales. Upto 6 th CPC they get this modified parity, not full length pay scales except taking the minimum of the corresponding pay scale.

Even the 7 th CPC maintained this distinction vide its om dated 4-8-2016, but it made another option vide OM 12-5-2017 , the past pensioners can also get their pension revision as per the pay matrix- that is full length of the corresponding scale, not

stopped with the minimum as that of 6 th CPC or even as that of 7 th CPC om 4-8-2016

After FA 2025 Validation, this becomes the contentious issue. That is a type of 12-5-2017 option in 8 th CPC also to the past pensioners as on 1-1-2026 or any date recommended by 8th CPC. CPCs are normally taking 10 years course only and so, here I am telling about 1-1-2026 as 'that date '. In short staff side is clear in demanding in 8 th CPC also , a kind of 12-5-2017 type fixation to the past pensioners.

I do not know after retaining power to distinguish past and existing pensioners, how the govt is going to act during 8 th CPC. Distinction does not mean denial, but distinction whether it means pay fixation to past pensioners also as per 8th CPC recommended scales to the CG employees and to the existing pensioners, that is questionable.

The letter in correct sense has gone to the Cabinet secretary. Let us wait and see any reply as well as the TOR of 8 th CPC.

Thanks to Com Shivgopal for writing a fair letter to the GOI

19-6-2025 9 hrs R. Pattabiraman

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June 24 2025

My passiveness -their activeness

I have had the experiences of getting acceptance sometimes and rejection many other times in my active organisational life.

In my passive, having non attendance organisational phase of these days, it is natural-organisationally natural to get rejection only and no question of acceptance . No need for anyone to take the views of mine to the height of unbiased discussion stages, as discipline in any organisation is always a co traveller . If any one wants to stand and grow to the heights of its hierarchical positions, they have no other go except to stand with the decisions of the organisation they want to rely upon or work. Even if they don't want positions but attention of active organisational life, they also cannot go on beyond the Laxman Rekha, they felt or the dominant leadership felt.

The psychology that operates amongst the activists in any organisation is, that they are with people and doing the challengeable 'field work'. In my active days, the field work that I experienced is the bundle of - taking the issues with the management, sleepless touring, going and assembling meetings, speaking to the audience with half knowledge or with some knowledge-to bind them with some emotions successfully or unsuccessfully, slogan raising- demonstration- procession- strikes, facing occasional arrests , facing local thugs , fund raising for conferences, factional clashes etc.

In the case of fund raising even the much appreciable Gandhian (now hundred years) Smt Krishnammal , then in the presence of Shri Jagannathan in their Kilvelur residence, near Tiruvarur, was not spared. Senior leader Ramadurai and myself gone to her with our staff to get the donation of RS 5000 in that period of late 1980s. When reviewing today, I feel it was unfair on my part insisting her so much money, and unfair on her part to get convinced to release that money through her co workers of LAFTI.

In my passing passive days , I am not experiencing the above said field works, but active in viewing the issues that confront and writing doubly for understanding the issues.

One such issue is pension revision to my fraternal bsnl community. I have aired my views on various occasions, of course in my non attendant passive role only.

Even this write up is also a kind of my reaction (Though I am not a revolutionary, I am not reactionary also in Marxian phraseology) , on hearing a video clip announcing the decisions of CWC of AIBSNLPWA.

The decision is unanimous, that is good for any organisation

The decision is going with NCCPA for the legal battle to challenge the FA 2025 by giving the apportioned 4 lakhs, but no donation from members.

Unfortunately the circular , I happened to see , issued by the NCCPA shown me their misconception, also taken the right of distinguishing the pensioners associations as NCCPA and NOn NCCPA and unequal apportion of fund for court case some in the range of thousands and some in lakhs. They can tell reasons for their right of making distinctions amongst organisations , when they gird up their loins to fight distinctions . I have every right to keep the distinctions that I feel fair because I am elected in my body, but you cannot have that right , though your electoral sanction may be big , because you are always unfair- is the argument

The decision is taken after a clear explanation beyond any doubt by a very senior leader from Kerala in the CWC.

The explanation, as I understand from the clip is- whether the FA 2025 affects or not the bsnl pensioners today or even tomorrow, we have to challenge because the amendment of CCS pension rules. So a battle on pure perception or speculation without any substantiated proof . Spending organisational money for no immediate cause , and no prayer is answerable for any perception without any concrete evidence in the pavilions of law. When it is not affecting you where is your locus standi ..

As per my understanding, this explanation that CCS rules amended is not based on any fact , so most unfair, and fooling the bsnl fraternity and so the decision of spending money for an issue not affecting us as on date is also unfair. This explanation asserts that there is amendment to the CCS rules, but taking no responsibility of telling pensioners like me , on which article of CCS rules amended or newly inserted. No leader is guiding me for this question. In fact, no amendment to any CCS rules is found as these leaders are telling.

Already S30 pensioners found their cause to challenge the FA 2025 and gone to the legal battle. If CG pensioners challenge, one can understand, they want also pay scales based revision as that of employees as rightly raised by com Shivgopal of NJCM.

Already BSNL pensioners a distinct category , and the govt made their distinction on 1-10-2000 itself and the distinction is still continuing, no CG pensioners felt that a distinction.

What happened to the all along demand of 7 th CPC fitment that is similar to 2.57 of om 4-8-2016 , an OM distinguishing past and existing pensioners. It seems that now the demand is changed by the association for pension revision on the basis of complete pay scales . The association once said , no pay is needed just multiple my pension that is enough.

For no cause of bsnl absorbed pensioners, the CWC democratic exercise is done to shut the mouth of a small minority voices. Organisation is organisation. It regulates

and wants its authoritarian stamp in the name of democracy. It does not mean, the dissenters does not have that tendency.

The association may think the Sun glows even the dog barks.. but dog also has a small life…

Any power seeking through asserting positions, strength, money, even through ideas have that trend .. watching ourselves is sometimes a great fun…

24-6-2025 7.30hrs R. Pattabiraman

June 26 2025

Win win position

The apt idiom lest we forget is ' Missing the wood for the trees'. Here 'we' is those who wish to fight legally and organisationally the power of GOI through the FA 2025 of 29-3-2025.

I have written many a number of articles on that and those are not mere social media barking. It sounds some wisdom that the concerned need to take. But dialogue means no pressing of one's view and it has many sides .

The confrontation is due to the apprehension of Govt pensioners on hearing FM about the purpose FA 2025. Smt Nirmala Seetharaman mentioned in the parliament about 6th CPC and thereby hinting that only modified parity would be available in future , instead of the complete parity given by 7 th CPC. It is my discerning of her statement.

How to come out from the tangles, if felt so, on the advent of FA 2025.

One is as decided by NCCPA and its other supporting non affliates- seeing that as a challenge and deciding to contest its constitutional validity in the Court , simultaneously holding organisational usual courses. It is their wisdom, those differ should bear them.

The second is seeking GOI's clarification and demanding Pay scales applied pension revision as that of 7 th CPC first option, viz OM 12-5-2017. Com Shivgopal of NJCM has taken correctly this route by writing a letter to the cabinet secretary.

Another senior leader Shri Maheswari of BPS, has correctly sent his appeal to the concerned to wait till 8 th CPC TOR before taking any route of confrontation.

As per my understanding, the NCCPA may be a ginger organisation, feeling proud to settle things through confrontation, instead of taking the route of negotiations. I understand their limitation of going to the table of negotiations. So they choose the methods and manners exerting their maximum energy within their limits.

But Shivgopal and Maheswari having high stakes and regards , have to show their mettle and wisdom , have the practices to believe negotiations to settle things, if confrontation is avoidable one. It is possible for them to set the table of negotiation.

The CG pensioners movement may think of the win win position by pressing and demanding

'Two formulations for Revision of pension' for pre 2026 in the 8 th CPC on the analogy of 7 th CPC .

7 th CPC recommended two formulations and GOI accepted both of them one through OM 4-8-2016 - 2.57 formula for fixing new pension for pre 2016 pensioners as that of 6 th CPC modified parity. That is the route of distinction amongst past pre 2016 and existing pensioners on the date of 4-8-2017, the employees on 1-1-2016.

The other formulation is complete parity route of applying pay scales of pay matrix as that of employees to pre 2016 pensioners vide their OM 12-5-2017. This wiped out the felt distinction between 'the pensioners' and 'employees subsequent pensioners'.

Both the formulations were presented before the pensioners , and pensioners availed whichever is beneficial to them.Some felt distinction route of 4-8-2016 alone was beneficial.

So this two formulations concept of 7 th CPC is again pressed in the common memo to 8 th CPC, GoI may have their 'distinction route formulation' and pensioners have their 'no distinction complete parity route formulation'. This may be a via media solution in today's FA act context.

Both the distinction route of 4-8-2016 and the other as that of 12-5-2017 pay scales route would benefit all the pensioners and the GOI may also satisfy that their vested power is found at least in one of the formulations. The felt Govt difficulty of court cases citing 12-5-2017 by various pensioners , may get the attention of 8 th CPC to provide suitable recommendations and riders .

I hope pressing 'two formulations' may help to situate us - both Govt and the worried pensioners in win win position.

9.30 hrs 26-6-2025 R. Pattabiraman

July 25 2025

Pensioners are made as pawns in the chessboard of certain leaders of the associations. If pensioners become pawns, they can never establish democracy, as all pawns play for their monarchy-kingdom only.

There is no single OM in the 7 th CPC, and even 7 th CPC made that distinction for pensioners. The OM dated 4-8-2016 has that distinction comparing the future pensioners. The OM 12-5-2017 has only given the option of using pay matrix in full length, relating to the pension of each pensioners stretching that to pay . No CG pensioners associations or employees unions objected the OM 4-8-2016 that made distinction , the one first issued, which was beneficial to some pensioners comparing the other pay matrix OM. So distinction was there, no court abolished the OM dated 4-8-2016.

The validation act did the validation of pension rules and OMs issued as per the recommendations of CPC. That act did not touch a single paisa , availed by the implemented judgments quoting 12-5-2017. The validation act empowered the GOI thro an act to distinguish the pensioners which is in vogue till 7 th CPC om 4-8-2016, in future also. First time distinction empowerment is made through an Act, that is the only distinction.

Even today the associations going court or doing demonstrations are not demanding any withdrawal of OM 4-8-2016.

In the case of BSNL pensioners, it is utter ignorance to take up this issue more actively than CG pensioners, the issue not at all concerned to them. Spending energy of thousands of pensioners and spending lakhs of rupees are mere satisfaction of ego or desires to enter into the history , imagining this one like the case of Nagara.

They have been all along availing the benefit of distinction comparing CG pensioners since 1-10-2000. Their pay scales are different and availing IDA, though getting pension from the consolidated fund of India as per Govt formula, as per amended CCS rules 37 A. This amended rules are not applicable to CG pensioners. Is it not a distinction? Civil service pensioners as per CCS Rules are already having distinction as CDA and IDA pensioners.

The associations main demand all along is delinking pension revision from pay revision. Is it not distinction ? . No central govt pensioner can have this kind of demand that make distinction between pre and post pensioners on a particular date. Delinking itself a demand of distinction, not bothering pay scales. CG pensioners as on date cannot have that demand of delinking, whereas BSNL pensioners associations are having .

The 7 th CPC fitment seekers demanded only that of 2.57 fitment pattern of OM 4-8-2016, which made distinction between pre and post pensioners as on 1-1-2016. Certain leaders spoke hours together, we don't want pay scales, just calculate on the existing pension and revise. Is it not distinction between pre and post pensioners?

The 7 th CPC fitment seekers demanded that IDA should not be touched, just because GOvt is extending 7 th CPC fitment like one of 2.57, while 7 th CPC gave benefits on CDA. Is it not distinction between BSNL pensioners and CG pensioners ?

Distinction was there and is there even in the 7 th CPC. The demands of BSNL pensioners are also fully based on distinction only. The very existence of BSNL IDA pensioners as a category in IDA separately itself a grand distinction comparing CG pensioners.

So , please understand the issue of validation act which is no way connected to BSNL, and we are not in the ambit of the definition of pensioners said in that ACT.

Your distinction is already made one , on 1-10-2000 itself. CG pensioners may have grievances as per OM 12-5-2017 to avail if any new pay matrix or any pay scales recommendations of the future 8 th CPC. BSNL pensioners can have no such grievances as they are not having any new pay scales to avail after second PRC.

Let us not be pawns for the play of either ego or ignorance. The majority of pensioners did grow in the culture of grand democratic culture of OP Gupta, who faced 'questions questions questions' from the workers and finding 'answers answers and settlements'. No vanity struggle- no struggle for struggle sake , struggle only if found injustice, was the culture of OPG school. Don't give up that culture, revive the culture of questions and find answers for reaching the road of settlement, struggle only to protect not for mere protest.

25-7-2025 7 am R. Pattabiraman

July 30 2025

Need of an Amendment Required to resolve the contradiction- An appeal to read dispassionately

The validation of pension related rules as per Finance Act 2025 are brought with the intention of 'retaining the relevance of having such distinction by a validation legislation dealing with pension rules and instructions issued from time to time in this regard'

Part 148 a and b define who is a pensioner and what does pension rules means. This requires an amendment in 148 a.

The present provision is

a. ' pensioner' means a retired Government servant under the pension rules

But provision b says

b. 'Pension rules' means the CCS pension rules 1972 as it existed prior to its cesser of operation, or CCS pension rules 2021, or CCS Extraordinary Pension rules 2023 made under proviso to art 309 of the constitution and instructions issued therein.

The rules brought on 30-9-2000 as '37 A ' under proviso to art 309, as an amendment to the then 1972 CCS Rules and retained in the present 2021 rules - is also validated by this legislation.

As on today this 148 is having inherent contradiction having defined the pension rules including 37 A and validating the same rules by legislation but failed to keep the beneficiaries within the ambit of definition of 'pensioner', here namely BSNL IDA pensioners getting pension by this validating legislation .

Rules applicable, but keeping the beneficiaries of that rule away from the Act is contradictory one.

So amendment to Rule 148 a is required.

If that said portion 148 a is amended like this

" pensioner means a retired Government servant and PSU servant (or employee) under the pension rules"

Even if this amendment is accepted, the validation should also be extended to DOT orders like 15-3-2011 (pension revision orders), because this FA 2025 speaks only about CPCs and OMs and even about future CPC .

As on date BSNL pensioner is not included in that 148 a . Then what is the meaning to cry for the battle against FA 2025 validation by BSNL pensioners, spending money and wasting energy for a misunderstanding cause.

'When Pay is not cleared, pension is not cleared' that is the condition and policy existing as on date. CG pensioners never demand delinking pay revision from the pension revision, which is basically a distinction that differentiate pre and post pensioners on a cut off date. They seek a kind of pay revision only for both pre and post pensioners like in terms of 7 th CPC 12-5-2017 instead of the modified parity given as the only option in the 6 th CPC.

When the court says applicability of 12-5-2017 to BSNL IDA pensioner , they do not illustrate how that pension can be fixed for the future pensioner on a particular date on what pay scales- and left the confusion to the administrative ministry or department .

The caption of part IV of this act speaks not only validation but 'principles for expenditure on pension liabilities from the consolidated of India'. Pension expenditure from consolidated fund of India is applicable to BSNL IDA pensioners also . This one is the biggest contribution of Com OP Gupta. When this principle is also applicable, then how the definition of pensioner keeps BSNL IDA pensioners away from this ACT. So amendment is required as per this principle also in 148 a.

Unfortunately some leaders started creating fear psychosis that pension expenditure will be curtailed . As on date not a single paisa was reduced. Some others are saying 'NO 8 th CPC ' for pre pensioners. This is nothing but their imagination or perception- as no one can say anything unless one sees the constitution of 8 th CPC and its ToR to light. The role of association or trade union is to give confidence and finding light when they feel any darkness, not creating fear psychosis.

The pensioners' association of bsnl should clarify their understanding as on date, specifically when they decide to fight FA 2025 validation

If they feel the FA is applicable to them, why they are not seeking the definition of pensioner should be beyond any ambiguity .

Whether the association is demanding still delinking- that means settle the case of pension revision to the pre pensioners. Is it not distinction?. Then they have to clarify in what pay or pay scales that revision.

Whether the association is still holding 2.57 multiple type revision of pension as that of 7 th CPC- which is different from 12-5-2017 pay matrix pension revision. Is it not distinction?

Whether the association still feels strongly that pay revision and pension revision are not an accompanying aspect. Is it not distinction?

If they say yes to all, then the struggle against FA 2025 , that is fighting against distinction of pensioners is dubious

The very existence of BSNL IDA pensioners since the formation of BSNL itself a distinction. 37 A is for them only not applicable to CG pensioners and thus we were made a different category on 1-10-2000 itself .

Unfortunately the issue is completely misunderstood by the leadership of the association - and IDA pensioners energy and money falsely led to satisfy the ‘fame name game’ imagining like that of Nakara case of 1982.

I Appeal to the BSNL IDA pensioners to consider my write ups and read them dispassionately and reject mine if any untruth is found.

7.30 hrs 30-7-2025 R . Pattabiraman

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aug 9 2025

Delhi HC - Revision of Pension

I happened to see one comment of one Judge, in one of the reports of the associations circulated to its members.

“ …At one point during the proceedings, the Judge remarked that the issue seems to revolve around RS 1700”

If it is so as reported, then unfortunately the whole issue is reduced to a quantity as if the the basis of the entire case is that. Unless one understands the main contention of the case, it is difficult to avoid the possibility of its derailment.

The contention is :

For the Association , implementation of PBCAT direction is a must- that is pension revision to the absorbed BSNL/ MTNL as per their counterpart in CG- as per 7 th CPC (date is not specified. Demand is from 1-1-2017, but CPC means from 1-1-2016 only)

For DOT , implementation of PBCAT is not possible, as it is against the settled law of the land. For fixation of pensionary benefits we need pay and so pay scales. BSNL is yet to implement 3 rd PRC on affordability issues and so could not do pension revision. So quash that PBCAT order.

Unfortunately the submission of DOT shows though fairly its main contention , exhibits its bias also by stating even in the second PRC scales absorbed pensioners are getting higher than 7 th CPC. How can this be a cause for not doing any pension revision. Higher or lower cannot be the issue for pension revision. DOT may feel its right to say the settled law of the land, but this kind of higher or lower argument is very unfair.

I happened to see the submission of one association, which in my view is not stating all the facts and partially suppressing the facts. Of course it is their right to highlight the points to win and dim the points not so favourable.

I do not know what is the submission of the association that I paid life subscription. If available or sent by some comrades, then I can understand the contents of its submission.

Both the associations and DOT for their obvious reasons, are not bringing the fact of Oct 2022 meeting and the circulated note sheet and its contention to the knowledge of PBCAT and Delhi HC.

This piece is to give caution about the comment of RS 1700 in the court room , if at all anything said so, then that is unfair , a kind of reductionism of the issue .

Let the issue find its serious course of arguments and reach its culmination. Let us not fall prey to any misdirection.

Whatever may be the direction, let the entire lakhs of absorbed whether pre or post 2017 retired and retiring beyond 2027 be a single class, as a flock together.

11.30 hrs 9-8-2024

aug 10

FA ACT 2025 only validated CCS Rules -not amended any of its rules

I happened to see a piece addressed to Civil Pensioners by com DG President of AIBSNLPWA , a fine ideologue and workaholic leader of the BSNL pensioners movement.

I have all respect to all the leaders of that movement, of any movement, but when I differ, I just put forth my views .

I do not know com DG is reading my views. I stopped sending directly to people when I find no acknowledgement, a minimum courtesy in any human social relation. Ok That is not a big issue and ignoring my views by the leaders also not an issue. How can I insist the leaders to read my views and acknowledge?

I have written a lot about FA 2025 - Validation of rules and Principles of Expenditure. I hope at least some pensioners might have read them. I understand the positions of all those presently working in the PWA as office bearers and activists, the then followers of OPG while they were in Union, should sail with the decisions of their present organisation, a basic discipline and grammar of any organisation.

Com DG has raised questions to GOI 'particularly to FM'. I wish him get answers from FM.

only ‘on the understanding of Validation portions’ , I differ with these leaders who are all repeatedly telling as if amendment is done to CCS pension rules .

These leaders are repeatedly telling CCS rules are amended by this Act. The fact of the matter is different. 'No amendment' is done to any CCS pension rules, instead all the rules are validated by this FA 2025, including the Office Memos and the actions taken as per the directions of Court- also of Nakara.

The Govt has done nothing new or brought nothing new about distinction except taking its authority of distinguishing the pensioners on a particular date thro an act in the future also. This classification was all along in vogue till even 7th CPC memo dated 4-8-2016 without any act, thro CPC recommendations and GOVT OMS, even after Nakara.

on a particular cut off date , there were two types of pensioners, one ‘existing pensioners’ that is past pensioners category on that date- and the other future pensioners category but ‘existing employees’ on that particular implementation date. The past pensioners on that date were eligible for pension revision and the future pensioners, that is those were employees on that date eligible for pay revision, though fitment factors are same to both. one is mere pension revision with a guarantee of not less than the minimum of the corresponding revised scale (6th CPC). The other one

is pay revision with corresponding pay scales and fixation and thereby refixation of their pension fixed as per old scales.

This became a moot point in the 7th CPC and so 7th CPC gave both the options to the past pensioners modified parity as one of 6th CPC vide its OM 4-8-2016 and the other pay matrix parity vide 12-5-2017, as given to employees on 1-1-2017. So 7th CPC did both distinction and no distinction- parity. Those who felt benefitted vide 'Distinction shown OM 4-8-2016' availed that only and those felt '12-5-2017 OM' was advantageous availed that option.

Many court cases started coming quoting 12-5-2017. All those accepted and implemented were also ratified by this validation. S30 case is stranded. GOI has not withdrawn the OM 4-8-2016 just because 12-5-2017 OM was issued. Like that GOI has not invalidated 12-5-2017 OM by its FA 2025. That OM also got its validation.

GOVT has assumed the authority of distinguishing the pensioners on a particular cut off date thro this ACT in future also while validating all the distinction done since 1972 rules, may be like 6th CPC style. It does not mean, they have taken away the availed benefits of pensioners by these rules , OMS and judgements - also does mean that GOVT not going to give pension revision to past pensioners when it gives to its future pensioners on a cut off date.

one can understand the concern of CG pensioners about the distinction without any 12-5-2017 like option in 8th CPC. I could not understand the cry from BSNL IDA pensioners associations.

II

BSNL IDA pensioners are getting pension from DOT as per allocation from Consolidated Fund of India on DFG of any Budget. Their conditions for fixation of pension and getting pension as per Govt formula is regulated as per 37A on amending CCS pension rules 1972. This was an amendment, a clear distinction made to the BSNL absorbed comparing CG pensioners on that cut off date 1-10-2000. The benefit availed vide PSU IDA scales were not extended to the CG pensioners and no pension revision on that date to them- that is for past pensioners on that date in DOT. This is clear distinction accepted by all the absorbed pensioners, by all the BSNL Trade Unions and no CG pensioners association raised any question about this distinction.

If the birth of BSNL IDA pensioners itself was based on distinction comparing CG pensioners and amendment to CCS rules 1972 where is the question of this cry of fighting FA ACT 2025, charging the same for its assumed authority of distinction amongst pensioners ?

com DG posed a question

can any pensioners' association, worth its salt, remain silent spectator to this development?

I can share one fact atleast, all along till 7th CPC ‘s 4-8-2016 OM the distinction was there and all the associations worth its salt did not oppose that. In fact PWA gave its memo demanding pension revision as on the same contour of 2.57 multiples for IDA pensioners also. They did not bother about the need of pay even as that of modified parity of 6th CPC lines. No CG pensioners association till this date demanded withdrawal of 4-8-2016 OM of 6th CPC lines.

The over doing of BSNL IDA pensioners association on this FA 2025 issue is - either ‘sheer ignorance of the issue ‘ or just a 'name fame game'. It is a diversionary tactics from the core issue of pension revision and to avoid the fundamental discussion of settling pension revision to the lakhs of BSNL IDA pensioners since 1-1-2017.

My appeal to the BSNL IDA Pensioners is to understand the double standard – on one hand continuously availing the IDA pension comparing CG CDA pension a distinction, and the other hand joining with CG pensioners to fight distinction the one existing all along amongst them except in the OM 12-5-2017. Kindly understand that for no issue of yours your money and energy are being wasted.

12 hrs 10-8-2025 R. Pattabiraman

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Aug 12 2025

If that is rebuttal for me then…

This morning , two comrades sent me a kind of rebuttal or clarification of GS AIBSNL PWA to my write up dated 10-8-2025.

The content of that rebuttal shows that it is a reply to some points of my write up. If that is for me , then the following is my response to that rebuttal.

Even some well wishers of mine may feel why I am harping on the same string. My intention is not to hurt anybody. Associations feel always proud of speaking truth to the face of the authority- here the Government, a far away entity. I am having different experiences in these days, speaking the felt truth to the face of authorities near to my hand- the leaders of the associations.

Whatever may be one's position, there should be minimum mutual courtesies in human relationship, which fits to any organisation also. If one feels that it is below their dignity and position to reply or acknowledge an ordinary pensioner like me , then nothing to say on that. Some times even good friends are showing that attitude, then how can I expect it from leaders in the higher positions.

Most of my points are left unanswered, that need not be also.

I asked a simple question where is the amendment to CCS Rules in which para or in which sub rule. No answer to that.

CCS rules are rules regarding pension and they do not speak any cutoff date amongst CG pensioners for their pension revision and so no question of placing any distinction on the basis of cut off date in that rules. But 37 A rules thro amendment of CCS rules since 1-10-2000 for BSNL absorbed employees is its distinction comparing CG pensioners .

It is CPCs and connected OMS that only telling about the cut off date and so two categories on that date one pensioner seeking pension revision, the other employee on that date seeking pay revision. This type of distinctions only have gone to court , and most of the present court cases are 12-5-2017 OM triggered cases. Here only the emphasis of the Act is placed and its legality is created.

The FA Act validated 37 A also- but not placed BSNL absorbed pensioners within the ambit of the definition of 'pensioner'. The FA Act also validated both 4-8-2016 OM having distinction and 12-5-2017 OM giving pay matrix parity. The government assumed legally the power of distinction that was all along in vogue thro OMs. What existed , got its legal stamp. Nothing changed as on date.

No benefit of any pensioner as per rules or OMs or court cases is touched as on date by this ACT. Not a single paisa is taken away from their pockets. 12-5-2017 OM is not withdrawn. Distinction was there even after Nakara. Though the Act got its retrospective effect , nothing is enforced against any availed benefit. The present court cases are mostly based on the OM 12-5-2017 only, the one is not withdrawn as on date.

Before this Act , if the Executive orders issued in the years can be challenged by court, then why any order if any in future as per the Act cannot be challenged, if the content of that order is unconstitutional . Challenging an Act is different and challenging how one order affects me is different , even that order is limited by that Act.

The leader is replying, just because past OMs were not opposed by CG associations, that is an inaction and so it does not make present action wrong. If any new OM is there to substantiate affecting pensioners , then one can understand your strong action .

Where is your evidence of distinction on or after this act to substantiate , affecting the pocket of pensioner. I do not understand the logic of apprehension and fear, simply placed on perceptions. Courts have diversified opinion on the question of distinction and equality. No court judgement is also permanent, it is also getting changed as per the climate of that day.

The grievance of CG pensioners is whether they can get pay scales parity on pension revision in future. They may feel the necessity of 'a type of 12-5-2017 OM or better OM than that'. But this can be addressed before 8 th CPC through common Memorandum and at the time of audience presenting the views of Unions and Associations. I understand their apprehension.

I do not know how BSNL absorbed pensioners who are struggling in divided lines, some for PRC related pension revision and some other on CPC related pension revision , got affected by this Act . I do not understand their over jumping on this issue.

CG employees are fighting for 8 th CPC pay revision and Pensioners for pension revision and so their concern about distinction. They can never demand delinking of pay revision from pension revision as on today's context. But most of the BSNL Associations are demanding delinking pay revision and pension revision in today's context. Both the contexts are differently situated.

This ACT, the law of this land is not giving you any pay scales or fitment for fixation of pay or pension. That can be possible only through CPC and OMs of GOI. If at all any grievance on that OM , even on distinction that alone can be your concrete evidence to substantiate. There is no cause of action as on date as per this ACT to CG pensioners and nothing connected to BSNL IDA pensioners.

Getting a name or fame in history alone cannot be a sound reason for fighting a cause. Kindly avoid wastage of your energy and hard earned money. BSNL associations have every reason to fight for their pension revision, avoiding diversion may save energy and money.

13 hrs 12- 8- 2025 R. Pattabiraman

aug 28 2025

Lest Forget-

The sum and substance of my views on Finance Act 2025- on the issue of ‘validation and principles’

Kindly read carefully all the three parts. If ignorance is bliss, then celebrate and hoist the flag of that.

I

The following are the facts:

No amendment is done either in the CCS Pension Rules or the OMs issued as per the accepted recommendations of various CPCs. Note, no amendment as on date.

No reduction of pension expenditure due to this FA 2025. Not a single rupee touched in the name of this Act. Note, pension expenditure not curtailed as on date

No judicial benefits availed is taken away because of this ACT. ‘Still pending cases’ like S 30 are shown and pleaded as per this ACT.

GOI has taken the authority of distinguishing C G pensioners as per the ACT since 1972. Note it is all about CG pensioners.

Distinction is there even after Nakara. Even the 7 th CPC 4-8-2016 OM for ‘pre pensioners’ has that distinction. The OM 12-5-2017 providing pay parity to the ‘pre 2016 pensioners’ as per pay matrix (as that of the one given to post 2016 pensioners vide another OM of the same dated 4-8-2016) is also validated.

Validation is done for all the existing Rules, OMs , judgements etc.

Principles of expenditure is expected only for the future recommendations of CPC. Nobody knows the principles that are going to be operationalised. It is yet to be designed. This ACT is telling

149 (3): the CG may from time to time lay down such norms , principles and method in regard to acceptance of the recommendations of CPCs including, among other things , distinction among pensioners that may arise out of the acceptance of such recommendation and in particular pension claims and liabilities.

149 (4) : The norms , principles and method of pension revision as per accepted recommendations of a Particular CPC shall be effective from such date as may be determined by the CG and the benefit of such accepted recommendation shall not be given effect to from an earlier date

As per 149 (2) distinction may be made on the basis of date of retirement of a pensioner or the date of operationalisation of an accepted recommendation of a CPC

II

Apprehensions of CG pensioners

I understand the apprehensions of CG pensioners.

Normally after CPC's accepted recommendations, GOI issues two OMS for pensioners as per the date of retirement. One is for pre pensioners on that date and the other is for post pensioners on that date, also employees of that date.

But 7 th CPC issued 3 OMS for pensioners. On 4-8-2016 one OM for pre 2016 pensioners and another OM for post 2016 pensioners. The third OM is also issued on 12-5-2017 for pre 2016 pensioners , giving revision as per pay matrix - as that of one given to post 2016 pensioners .

The CG pensioners may have that concern , whether 8 th CPC would give one such recommendation like that of 7 th CPC 'on equalisation pay related' pension revision.

Again they may have the second concern, even if 8th CPC gives such 'complete parity' pension revision recommendation, whether GOI will accept that in the prevailing FA 2025 validation and principles .

The third concern may be about 'date of implementation' -whether the recommendation or acceptance will be from 1-1-2026 ('date of retirement' form like earlier CPCs) or the date of operationalisation of the accepted recommendations, that is from 'the date of issuance of OM'.

If date of implementation is 1-1-2026 , they have to issue minimum two OMs for pensioners ' on the date of issuance of OM' . If the same form as that of 7 th CPC , then they have to issue 3 OMs on that date .

If the date of implementation is the 'exact date of the issuance of OM itself', then there will be only one OM for all the pre pensioners on that OM date. There will not be any post pensioners on that date, only employees on that date of issuance of OM. This may be a clever move by GOI, to avoid any distinction on the date of retirement like pre or post pensioners.

I just imagine , suppose GOI decides to implement the recommendations of 8 th CPC not from 1-1-2026 , but from (say) 1-8-2026 the date of issuance of OM (1-8-2026 an imagined one by me) , then on that date all the pensioners getting pension as on 31-7-2016 will get the new OM for their pension revision as on 1-8-2026 . Others are only Employees, no one will be post pensioner on that date.

This may be a great concern for CG pensioners and CG employees also. GOI cannot have two different dates of implementation - one for Employees and other for

pensioners . So , if that is concern for pensioners, then it is concern for CG employees also.

III

Whether this ACT is applicable to BSNL IDA pensioners?

If it is applicable then that is good in a way. But I strongly feel that it is not applicable on the following grounds.

This ACT does not bring BSNL IDA pensioners within the ambit of the definition of Pensioners. That speaks only about CG retired pensioners . This is 148 a. 148 b speaks about CCS rules but 148a only defines ‘pensioners’ .

This ACT accepts ‘CCS Pension rules’ as rules. So 37 A is also validated, which one made ‘the distinction amongst CG pensioners’ on 30-9-2000 , by creating a new class of BSNL IDA pensioners from the cut off date 1-10-2000 - enabling them to get pension as per 37 A of CCS pension rules.

This ACT though speaks CCS pension rules as it is, it speaks mainly , only about ‘CPC recommended pension revision distinctions’ amongst CG pensioners. Distinction is emanated just because of CPC recommendations and connected OMs, not on the grounds of CCS pension rules. Our BSNL IDA distinction is emanated well in the CCS rules itself, and that distinction has been there since 1-10- 2000.

BSNL IDA pensioners till this date not availed any pension revision on the basis of CPC (6th or 7th) accepted recommendations of GOI ‘s OM . They got their revision as per PRC only till date.

Applicability of some points of GOI OM is issued separately by DOT , like change in gratuity ceiling , qualification of service etc. This is based on 37 A sub rule 8. But no pension revision factors or formulation of CPC is extended to BSNL IDA pensioners till this date.

So only I feel that spending lakhs of money , precious hours, energy by BSNL IDA pensioners on this ACT is wasteful. They can divert their energy , money etc , utilising the same for their Pension revision issue , due for the last many years.

If leaders dispassionately view this and restrain themselves, then the thousands of pensioners definitely follow suit.

19 hrs 27-8-2025 R. Pattabiraman

sep 4 2025

It is heartening to note that BSNL employees' recognised unions have been trying their level best to bring some understanding with the management and to initiate some joint recommendations through wage revision committee.

This may be a first step, and many steps within BSNL are there to process and conclude the same with formal agreement. That stage is possible only after DOT's approval of the Joint Recommendations of the wage committee and its submission through BSNL Board.

Unions may feel sad about the pay scales suggested by BSNL which may cause stagnation again. Stagnating and standing on 2nd PRC scales or entering to 3 rd PRC scale and stagnating there- is the vital question, need to be addressed by the employees. I hope employees would understand the most unfriendly DPE orders, not favouring any settlement in loss making PSUs.

Happy to see that the unions raised concern about the Pay scales. But insisting to get assurance connecting that with 4 th PRC may become a problem, according to my limited experience in the TU movement. Nobody knows what will happen to 4 th PRC today and it is difficult for this wage committee to give any assurance about the future wage committee. If the unions succeed , then I will also appreciate. For signing joint recommendations, if it becomes a condition, I feel differently.

Fine to see the wisdom of leaders, instead of harping too much on fitment issue, they agree to get for Non Executives the same fitment of that of Executives, as and when decided by the authority concerned, here DOT.

Regarding stagnation increments, there are rules guided by DPE. I feel management implement that only and may refuse to go beyond that. This point should also to be taken into account before putting this as condition to sign the recommendations.

I hope BSNL unions may try to bring the mutually agreed joint recommendations this time. Employees should understand the integrity of the leaders and give their helping hand to clinch the deal in the wage committee. The unions are bringing some accord in the environment of the most unfriendly DPE orders .

Good wishes to them.

DOT has to take some initiative to settle the wage revision of Executives as per the DPE scales. Then only the issue of NE wage settlement will find its implementation. Hoping the best..

4-9-2025 R. Pattabiraman

sep 6 2025

BSNL Wage Revision Issue

com SSG , Ex Secy NFTE informed me this morning his discussion with Com C Singh GS of NFTE BSNL about wage negotiation. He suggested me to write about a piece about the same with the background. I tried to give here , some connected points with the available particulars then and there sent by Vellore senior leader com Mathi. If any inaccuracy is found , I owe it as mine. I know my limitation and cannot give the exact picture, as I do not speak like an insider. Please bear with me for all inadequacies.

I just connect the dots year wise to some extent.. Kindly read this sketch with my earlier piece dated 4-9-2025

2017

on 14th Nov 2017 BSNL had sent its " proposal for revision of Board level and below board level Executives of BSNL under 3rd PRC w.e.f 1-1-2017"

In turn DOT vide its letter dated 11th June 2018, sent its reply demanding BSNL to furnish report on the required items.

I do not know what happened to this proposal of BSNL board , may be kept in cold storage for the last many years.

2018

During 2018 itself BSNL management after some discussion with the unions placed its “Record of Proceedings of Joint committee on Wage Revision for NE in BSNL w.e.f 1-1-2017. The chairman of that committee then was Shri H C Pant CGM legal. I do not know the exact date of this draft , may be by Nov 2018.

That draft was a little long one with the following contents having many paras in each content.

1.Introduction and background

2. Guiding principles of Pay revision

3.proposal of the Committee

4. Retirement benefits

lastly on one side 5 names of the Officers of that committee and on the other side 8 names of staff side members.

In the proposal of the Committee , scales were also listed starting

NE1 as 19000-45700 and ending with NE 12 as 39900-114800

3.2 para is about fitment

" At this stage fitment benefit of 15 % is proposed, however the same will be in line with that granted to/ approved for Executives by DOT/ Govt/ Board

The Record of Proceedings drafts also said about - methodology of pay fixation, 3 % increment rate, DA after neutralisation 119.5 % becoming zero on 1-1-2017, allowances as per pre revised scales.

on 11-12-2018 the General secretaries of both the recognised unions had sent their 12 suggestions to the GM SR. Broadly the suggestions were for modification, some addition or deletions.

For para 3.2, Unions gave this suggestion

" Fitment Benefit: At this stage fitment benefit of 15 % is proposed"

regarding HRA the suggestion of Unions were - " HRA would be drawn on revised pay scales"

on 28-12-2018 DGM SR (signed) reply was given to the Unions. The last paragraph of that reply goes like this

" 4. In view of the aforesaid facts and that the revised scales/ fitment of Executives as per 3rd PRC is yet to be approved by the competent authority, your suggestion to delete the portions of the procedings will not be in conformity with the above mentioned DPE guidelines and hence cannot be agreed for...

you are therefore advised to reconsider the matter w.r.t above cited DPE guidelines and convey your consent for early settlement"

2019

on 10-1- 2019 DPE sent its reply to DOT's request dated 3-8-2018 for relaxation from the Affordability Clause

" Any relaxation/ amendment in the extant of guidelines would require the approval of cabinet.."

BSNL sent an appeal on 15-2-2019 to all the Unions to withdraw their proposed agitation. In that the following was stated regarding wage revision

".... DOT is considering DA neutralisation on the basis of 3rd PRC scales...DOT will try further 5 % fitment thereafter...It may be appreciated that in view of the present financial position, higher fitment is not feasible"

From this I infer for Executives DOT is considering DA neutralisation. I may be wrong, just my inference only, because the appeal was addressed to Executive Associations also.

2021-23

in Dec 2021 different scales were proposed

NE1 is 17100-31000 and ending NE 12 is 36100-87600

This was opposed by Unions and on further discussion during 2022 Nov , it was said these new scales finalised having NE1 19000-32000 and ending NE 12 as 38000-88000

More rounds of meetings of wage committee , of course on some intervals were held and discussion on Scales fitment were dominant in those meetings to avoid stagnation.

Management suggested zero fitment and the staff side demanded atleast 5 %. Management side explained that even revision at zero percent, if approved, will result in considerable financial burden

and informed

"it is not possible to give wage revision of 5 % as BSNL is incurring losses since 2009-10 "(mts dated 16-11-2022)

In the mean time various Pensioners associations had their meeting with DOT for their pension revision on 17-10-2022. In that meeting DOT suggested revision of pension on the same lines , as told to BSNL unions- that is IDA merger with nil fitment on 3rd PRC scales. Then a pertinent question was raised about unknown NE Pay scales , and DOT assured the same would be obtained from BSNL.

In order to break the stalemate in wage negotiation, both the General secretaries of the recognised Unions wrote a letter to CMD on jan 13, 2013 stating the unfriendly positions taken by the management.

That letter cited the following as unreasonable stand of the management.

Refusing to take the scales already finalised on 27-7- 2018

Saying ‘No signing of wage agreement’, only the revised pay scales should be finalised.

Revision of allowances cannot be done.

From this one can understand the pressure mounted on BSNL from the side of DOT to obtain some pay scales for NE, as assured to the associations of Pensioners.

This can be in a way confirmed by a separate letter addressed by the GS of NFTE on 3-2-2023 to the CMD

" We are compelled to bring into your kind notice that the GOI has reportedly delinked the pension revision of pre 2017 BSNL retirees and the quantum of fitment for the purpose is under consideration. According to Information the BSNL management has forwarded the pay scales of Non Executives without the agreement with the unions. ...

we urge upon you to take steps to end the crisis and avert unplesanat situation and ensure wage revision"

Com Islam Senior leader of NFTE and President at that time also felt the same, when I discussed the issue of ‘DOT’s 17-10-2022 meet with the pensioners’.

2024- 2025

Management has reassured and explained the following to the unions by their minutes issued on 14-3-2024

There is no reduction in the pay of any employees after implementation of new pay scales

Stagnation on the existing pay scales are largely addressed

As pension contribution is linked to the maximum of pay scale, the new pay scales have been designed optimally to increase in pension contribution

Financial burden has to be minimum so as to take the proposal viable as any additional financial to be met from the internal resources of the company

Another important point informed to the staff side is

" There are number of CPSUs which are loss making and the government has to decide in totality. Whatever proposal Joint committee recommends, should be with minimum financial implication"

As of NOV 2021 total number of NE (absorbed 18513, Direct 14491) was 33006. Of these employees stagnating was 9205 that is 28 %.

As on 1-1-2024, 83.36 percent of absorbed employees in stagnation. NE total is 29990 and of this 16435 stagnated that is 54.80 %.

Management informed also even for zero fitment, the additional financial outgo should be 900 crores per year.

Staff side stoutly defended their case in that meeting also to break the everlasting stagnation issue.

Now in 2025 , employees may know well what is going on in the negotiations. Leaders are trying their level best to bring some settlement as early as they can. Even the 'Record of proceedings' may be a step ahead to reach the goal of final settlement.

BSNL Management and DOT should take some bold initiatives to give morale boost to the employees who are all still suffering in 2007 pay scales.

Let us hope the best to cook palatably with the available things in the present context and constraints.

15 hrs 6-9 2025 R. Pattabiraman

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sep 12 2025

Well done DOT- BSNL- Unions

It seems that DOT is moving its cards beautifully paving the road to settle the issue of Pay and Pension revision to the absorbed BSNLwallahs.

The unions may feel good on finding one of their long pending demands settled by DOT with the due approval of DOE ID note dated 29-8-2025. The subject matter is ' calculating pension contribution at actual pay drawn instead of the maximum scale'.

DOE has approved the same from a prospective date that is from 1-9-2025 only, instead from 1-1-2017. Though it may stand as a grievance, BSNL may take good breath at least from that date regarding its 'expenditure burden' on pension contribution. For CG departments, this concession was given long back, now at least BSNL got that.

Each demand has its own background and its birth pains.

-37 A was brought at the behest of formation of BSNL

-Pro rata pension option (when combined service pension only there) was inserted during ITS option struggle

-Pension expenditure linked to 60 percent of Receipts withdrawn during 78.2 extension to pensioners

-Now pension contribution on actual pay instead of the maximum scale due to the exigencies of approving DPE directed Executive Scales.

This order of DOT dated 1-9-2025 is necessitated to settle the long pending issue of approving 3 rd PRC Executive scales which stands in the gateway to allow NON Executive scales and the following or simultaneous pension revision to both the pensioners.

Since the calculation of contribution is prospective (1-9-2025), the 3rd PRC scales may also be notional from 1-1-2017 and may become actual any day on or after 1-9-2025.

A sound question may arise, if notional how they revise pension to all those retired from 1-1-2017 that is post 2017 . Pension is fixed on the basis of last pay drawn. Their pension is fixed today as per 2nd PRC last pay drawn. If 3rd PRC scales are given notionally, can they fix pension as per notional pay so calculated.

DOT well ahead expecting this situation intimated its requirement to DOPPW seeking its support for a decision on' issuing PPO on notional pay', if necessary through relaxing appropriate pension rules. Hope DOPPW might have given its nod to settle

this question. I do not know the exact version of DOPPW on this notional pay PPO issue, if DOT decides to settle Executives scales on 3rd PRC notionally from 1-1-2017.

Another important question is whether BSNL is going to come down to redesign the NE scales ‘on the same lines of Executive scales as arrived at during 2018’ or going to keep ‘the Nov 2022 scales’. The main cause of ‘reduced scales’ is the issue of pension contributions on the maximum of the scales. Now that question is settled. So BSNL may take that 2018 scales to satisfy the demands of the recognised unions in the wage committee.

DOT mentioned in its earlier leaked note sheet the followings.

-PSU division would notify the approved 3rd PRC scales for the purpose of revision of pension of pre 2017 BSNL IDA Pensioners

-BSNL would notify the revised pay scales for NE to enable their pension revision along with that of Executives.

The most important question one needs to address in this context is - DOT’s approval of scales and BSNL notification of scales only for the pension revision sake or that amounts to pay revision also to the BSNL employees. Whether DOT is going to issue any pay revision orders to Executives or not - one should wait and watch.

DOT Issuing such order only helps the NE to get their 3 rd PRC revision. For this one has to wait till ‘the Recorded Proceedings signed by both BSNL management and Unions’ issued.

In this ‘pension contribution’ matter also one may appreciate the wisdom of com O P Gupta by playing the sub rule 23 of 37 A ‘open ended one’.

“ ….the Govt will specify the arrangements and the manner including the rate of pensionary contributions made by BSNL to the Govt ..”. This open ended enabling clause helped us without any amendments to 37 A to bring this 1-9-2025 intimation on Pension contribution.

Hope things will move smoothly after this 1-9-2025 letter addressed to CMD BSNL by DOT.

07 hrs 12-9-2025 R. Pattabiraman

sep 14 2025

பாதுகாப்பு உற்பத்தி ஊழியர் போராட்டம்

Ordnance Factories 'பொதுத்துறையாக்கம்' பிரச்சனையாகியுள்ளது. ஊழியர்களின் deemed deputation தொடரவேண்டும் என போராட்டங்கள் எழுந்துள்ளன. இச்சூழல் என்னை பி எஸ் என் எல் உருவாக்க 2000 ஆண்டிற்கான சிந்தனைகளுக்கு அழைத்துச் சென்றது.

பி எஸ் என் எல் தோழர்கள் 4 லட்சத்திற்கு மேல் அன்று கார்ப்பரேட்மய பிரச்சனையை சந்தித்தனர். அவர்களின் நிமித்தம் , பொதுத்துறைக்கு திரளாக நுழையும் அரசாங்க ஊழியர்களுக்கான 37 A உருவாக்கப்பட்டது.

பி எஸ் என் எல் 2000 போன்ற சூழலை , பாதுகாப்பு உற்பத்தி ஊழியர் சங்கங்கள் 2021 முதல் சந்தித்து வருகின்றனர். இவர்கள் சுமார் 62 ஆயிரம் ஊழியர்கள், இதில் பலர் பழைய ஓய்வூதியத்தில் வராமல், 2004க்கு பின்னர் வந்த ஊழியர்கள். Sanctioned Strength லட்சத்திற்கு மேல் இருப்பதை அரசாங்கம் வெட்டி குறைத்துள்ளனர் என ஊழியர் சங்கங்கத்தினர் விமர்சித்து வருகின்றனர்.

பி எஸ் என் எல்லில் அன்று NFTE, FNTO, BTEF போலவே ஓ எப் துறையில் AIDEF, INDWF, BPMS அங்கீகார சங்கங்கள் பெரிய அமைப்புகளாக உள்ளன. 2021 பொதுத்துறையாக்கம் எதிர்த்து - ஊழியர்களின் சேவை நிலைமைகள் குறித்து போராட்டங்கள், நீதிமன்ற வழக்குகள் என இவர்கள் இன்று சந்தித்து வருகின்றனர்.

பி எஸ் என் எல்லின் கடந்த சில ஆண்டுகளின் சோதனைக்கால அனுபவத்தை முழுமையாகக் கணக்கில் கொண்டுள்ளனர் இத்தோழர்கள். தாங்கள் அப்படி நட்டப்படும் நிலைக்கோ, ஊதிய மாற்றம்- பென்சன் மாற்ற சிக்கலுக்கோ பின்னொரு காலத்தில் போய்விடக்கூடாது என நினைக்கின்றனர். ஓ எப் பொதுத்துறைகளுக்கு அனுப்பட்ட தோழர்கள் deemed deputation என்கிற வகையிலேயே ஓய்வு பெற விழைகின்றனர். DPSU (defence PSUs) பொதுத்துறைகளில் absorption இல்லாமல் ஓய்வு பெற அனுமதிக்க வேண்டும் என்ற போராட்டத்தை AIDEF, INDWF, BPMS இன்னும் பிற சங்கங்களுடன் கையில் எடுத்துள்ளனர்.

BSNL ல் இருந்தது போலவே அங்கும் மூன்று சம்மேளனங்கள், ITS- GrB போல அங்கு IOFSA - Gazetted Gr B சங்கங்கள் உள்ளன. பொதுத்துறை

கம்பனிகள் உருவாக்க 2021-22 காலத்தில் எல்லோரும் சேர்ந்து கோரிக்கைகளை எழுப்பவும் செய்தனர். அரசாங்க ஸ்டேடஸ், சம்பளம் அலவன்ஸ் உட்பட consolidated fund லிருந்து என்கிற கோரிக்கைகளை வைத்தனர். பி எஸ் என் எல்லில் நாம் 2000ல் பென்சன் என்பது consolidated fund லிருந்து என வைத்திருந்தோம்.

7 பொதுத்துறைகளின் உருவாக்கத்தை இனி மாற்ற முடியாது என்கிற சூழலில் , ஊழியர்களின் அரசாங்க ஊதியம், பதவி உயர்வுகள், பென்சன் போன்ற சேவை நிலைமைகளையாவது deemed deputation மூலம் பாதுகாத்துக்கொள்ள வேண்டும் என்கிற முனைப்பில் இச்சங்கங்கள் இறங்கியுள்ளன. பிரசார் பாரதியில் செய்யப்பட்ட ஒன்றை தங்களுக்கும் தரவேண்டும் எனக் கோரி வருகின்றனர்.

பிரசார் பாரதி ஊழியர்கள் , அக் 5 2007 வரை வந்தவர்கள் -போராடி deemed deputation லேயே மத்திய அரசாங்க ஊழியராக ஓய்வு பெற அனுமதி பெற்றனர். அப்படி ஒரு வாய்ப்பை பாதுகாப்பு உற்பத்தி ஊழியர்களுக்கும் கொடுக்க வேண்டும் என்கிற போராட்டம் தீவிரமாகியுள்ளது. அரசாங்கம் , பிரசார் பாரதி 1990 Actல் 2011 இறுதியில் திருத்தம் ஒன்றைக் கொணர்ந்தது. அதன் மூலம் அந்த ஊழியர்கள் deemed deputation அந்தஸ்தில் , மத்திய அரசாங்க ஊழியர்களாகவே 6வது , 7 வது CPC படி ஓய்வு பெற முடிந்தது. AIR, DD சார்ந்த இந்த ஊழியர்களில், அந்த குறிப்பிட்ட அக் 5, 2007 தேதிக்குப் பின் வந்தவர் - பிரசார் பாரதி கார்ப்பரேஷன் ஊழியராக PRC ஊதிய முறைக்குள் வந்தனர்.

இந்த பிரசார் பாரதி deemed deputation அந்தஸ்து போலவே DPSUக்களிலும் தங்களை சேவைக்காலம் முழுமைக்கும் மத்திய அரசாங்க ஊழியராகவே வைக்கப்பட வேண்டும் என OF - DPSUவில் பணிபுரியக்கூடியவர் போராடி வருகின்றனர். அப்படியிருந்தால் மட்டுமே வரப்போகிற 8 வது ஊதியக்குழு பலன்களை தாங்கள் பெறமுடியும் என சங்கங்கள் ஊழியர்களிடம் விளக்கி வருகின்றன.

மத்திய அரசாங்கம் 1-10-2021 முதல் 7 பொதுத்துறைகள் என்கிற அரசிதழ் அறிவிப்பை (41 ஒ எப் களை மாற்றி) வெளியிட்டது. பி எஸ் என் எல் போலவே 37 A படி Absorption என்றது. முதல் இரண்டு ஆண்டுகளுக்கு deemed deputation எனச் சொல்லி பின்னர் அதை 2025 வரை நீட்டித்தது.

Department of Defence Production OM dated 24-9-2021

3. The Govt has decided that all the employees of OFB belonging to the production units and also identified non production units shall be transferred en masse to the new

PSUs on terms of foreign service without any deputation allowance deemed deputation initially for two years from the appointed date, in accordance with Rule 37 A of CCS pension Rules 1972

4. Each of the new DPSUs is required to frame rules and regulations related to service conditions of the absorbed employees and seek an option for permanent absorption from the employees on deemed deputation….A committee would be constituted by DDP for guiding the new DPSUs in this regard so that the absorption package given is attractive.

5. Till such time the employees remain on deemed deputation to the new DPSUs, they shall continue to subject to all the extant rules , regulations and orders as are applicable to the CG servants, including related to their pay scales, allowances, leave, medical facilities, career progression and other service conditions

7..The pension liabilities of the Retirees and the existing employees will continue to be borne by the Govt from the Ministry of Defence budget (before 1-1-2004 employees)

8. The conditions of payment of pensionary benefits to the employees of OFB on absorption to the new DPSUs would be regulated in accordance with Rule 37 A of CCS pension Dukes 1972.

9. These orders will come into effect from 1-10-2021(appointed date)

சங்கங்கள் நீதிமன்ற போராட்டங்களையும் நடத்தின.

நீதிமன்றத்தில் (BPMS case Aug 2023) para 32

“The GOI has decided that all employees of OFB belonging to production units would be transferred to the corporate entities on deemed deputation initially for a period of two years without altering their service conditions as CG employees. It has been stated on the affidavit that the pension liabilities of the retirees and the existing employees will continue to be borne by the Govt..Meaning thereby , it has been stated on affidavit that the service conditions of the employees will not be changed. They will be entitled to the same benefit which they were drawing prior to conversion..”

இந்த வழக்கில் கார்ப்பரேஷன் என்கிற கொள்கை முடிவில் தலையிட முடியாது என்பதும் தெரிவிக்கப்பட்டிருந்தது.

மற்றொரு வழக்கான AIDEF vs GOI dated 29th July 2024 ல் Madras HC

6. This has been reiterated in both the counter as well as in the reply of the respondents to the petitioner’s rejoinder wherein they state that the Govt remains committed to safeguard the interests of the erstwhile OFBs. At paragraph 35 of reply dated12-2-2024 of the respondents to rejoinder dated 8-11-2021, they make it clear that the employees of erstwhile OFBs on deemed deputation to the newly formed 7 PSUs would continue as CG servants as their pay scales , allowances, leave , medical

facilities, carrier progression and other service conditions will continue to be governed by the extant rules, Regulated and orders as are applicable to CG servants

7. They would be given an option for permanent absorption in the new DPSUs and their terms of service would change only consequent upon their exercises of such option. The Delhi HC in BPMS has taken note of this fact

தற்போது நிர்வாகம் ஊழியர்களிடம் option பெற நடவடிக்கைகளை, கமிட்டி ஒன்றை போட்டு செய்ய நினைக்கும் சூழல் உருவாகியுள்ளது . தொழிற்சங்கங்கள் ஊழியர்களிடம், நிலைமைகளை எடுத்துச் சொல்லி - 'ஆப்ஷன்' தரவேண்டாம் இயக்கத்தில் இறங்கியுள்ளனர். 8வது ஊதியக்குழு அமையவிருக்கும் நேரத்தில், ஆப்ஷன் கொடுத்து பொதுத்துறைக்குப் போனால் அப்பலன்கள் கிடைக்காது என்பதையும் எடுத்துச் சொல்லி வருகின்றனர்.

நிர்வாக கமிட்டிக்கு TOR தரப்பட்டுள்ளது. அதில் 'விருப்பம் தராத ஊழியர்களை எப்படி redeploy செய்வது' அல்லது 'வி ஆர் எஸ் வாய்ப்பு' போன்றவற்றையும் ஆய்ந்து சொல்லக் கேட்டுள்ளனர். அந்த கமிட்டி ஆவணத்தையோ, AVNL பொதுத்துறை சார்பில் தயாரிக்கப்பட்டுள்ள absorption service conditions ஆவணத்தையோ என்னால் பொது வெளியில் தெரிந்துகொள்ள முடியவில்லை.

கடுமையான சூழலில் ஆயிரக்கணக்கான ஊழியர்கள் தங்கள் முழு ஒற்றுமையை வெளிப்படுத்துவார்கள் என நல்ல நம்பிக்கையுடன் ஊழியர் சங்கங்கள் போராடி வருகின்றனர். AIDEF பொதுச் செயலர் தோழர் ஸ்ரீகுமார் அவர்கள் தலைமையில் ஊழியர்களது கோரிக்கைகள் வெற்றியடைய நல் வாழ்த்துகள்!

18 hrs 14-9-2025 R. Pattabiraman

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sep 16 2025

கடந்த செப் 12, 2025 அன்று நான் எழுதியிருந்த DOT- BSNL சார்ந்த இடுகை ஒன்று சம்பந்தப்பட்ட தோழர்களால் எப்படி புரிந்து கொள்ளப்பட்டது என ஊகிக்க முடியவில்லை.

விவரங்களை அறிவதிலும் அதை உள்வாங்கி புரிந்து கொள்வதிலும் தோழர்கள் -உறுப்பினர்கள் -தலைவர்கள் எப்போதும் ஒரு படித்தாக இருப்பதில்லை. அவரவர் உள்வாங்குதலுக்கேற்ப அமைதியாக இருப்பது அல்லது எதிர் வினைகள் செய்வது நிகழும். இதில் தனிநபர் ego கலப்பும் இருந்தால் அதற்கேற்ப அலட்சிய பாவங்களும் தொழிற்படும். பதவிக்கும் பொறுப்பிற்குமான புரிதல் விகிதமும் இதில் தென்படும். சில நேரங்களில் பதவியும் அலட்சியமும் நேர்விகிதத்தில் பயணிக்கும்.

DOT-BSNL ஆகிய இரு நிர்வாகங்களுமே அவர்களுக்கு முன்னர் இருக்கக்கூடிய உத்தரவுகள் மாற்றப்படும் வரை அவற்றின் வரையறைக்குள் செயல்படும் வரம்புகளைக் கொண்டவை. ஊதிய மாற்றம் பி எஸ் என் எல்லில் நடைமுறைக்கு வரவேண்டும் என்றால், முதலில் Executive க்கான ஊதிய மாற்றம் அறிவிக்கப்படவேண்டும். அதையொட்டியே, அதற்கு conflict இல்லாமல் NE ஊதிய மாற்றம் நடைமுறைக்கு வரமுடியும். இப்படியான சூழலை DPE உத்தரவுகள் கொடுத்துள்ளன என்கிற புரிதல் நிர்வாகத்தினரிடம் தெளிவாக இருக்கிறது.

பென்சன் ரிவிஷன் என்கிற கோரிக்கையை , பென்சனர் சங்கங்கள் தீவிரப்படுத்தினர். எண்ணிக்கையிலும் இவர்கள் அதிகம் உள்ளனர். அனைத்து பென்சனர் சங்கங்களும் ஒரு முக்கிய விஷயத்தில் தங்கள் நிலைப்பாட்டை சாதிக்க முயன்றனர். அது delinking pension revision from BSNL wage revision.

பென்சனர் சங்கங்களின் இந்த நிலைப்பாட்டை, அதாவது ஊதிய மாற்றம் செய்வதற்கு சாதகமான உத்தரவுகள் இல்லா சூழலில், பென்சன் மாற்றத்தை பரிசீலிக்கவே கூடாதா என்கிற கேள்வி விவாதிக்கப்பட்டது. பரிசீலிக்கலாம் என்கிற உடன்பாட்டு நிலையை DOT தன் 17-10-2022 கூட்டத்தில் பென்சனர் தலைவர்களிடம் வெளிப்படுத்தியது. அதே நேரத்தில் அப்படி ஒன்றை பரிசீலிக்கும்போது, அது ஊதிய மாற்றம் என்பதுடன் conflict ஏற்படுத்தா

வண்ணம் நடைபெறவேண்டும் என்கிற கடமையை DOT உணர்ந்தது. ஆனால் இந்த நிலைப்பாட்டை பேச்சு வார்த்தையில் பங்கேற்ற தலைவர்கள் ஒரு படித்தாக புரிந்துகொள்ள முடியாமல் போனது.

எந்த அமைப்பாக இருந்தாலும், அதில் தலைவர்களின் செல்வாக்கு என்பது அந்த அமைப்பின் -உறுப்பினர்களின் நம்பிக்கையை பொறுத்தே அமையும். நம்பிக்கை என்பது அவர்களின் நலன் சார்ந்த தீர்வுகளால் கட்டப்பட்டால் அது உயர்வாக இருக்கும்.

அமைப்பில் பெற்ற செல்வாக்கை தக்க வைத்தல், வேறு எவருக்கும் அதில் பங்கு தர மறுத்தல், செல்வாக்கை ஏகபோகமாக எண்ணி துய்க்க காரியமாற்றுதல் போன்றவை அமைப்புகளில் அடுத்து வளர விரும்பும் தலைவர்கள் மத்தியில் மோதல்களை , வேறுபாடுகளை உருவாக்கும். நலன் சார்ந்து கவனம் குவிக்கப்பட வேண்டிய 'அமைப்பின் பலம்', மோதல் சார்ந்த செலவிடப்பட்டு விரயமாகும்.

'என் மரியாதை' என்பதை மய்யமாக கொண்ட செயல்பாடு , அமைப்பு உருவாக்கும் குணங்களில் ஒன்று. 'என் மரியாதையே அமைப்பு மரியாதை ' என்கிற பார்வை, சொந்த விசுவாசிகள் எண்ணிக்கையை உயர்த்திக் கொள்ள எத்தனிக்கும். இதுவும் அமைப்புகள் உருவாக்கும் குணமே. இப்படியான 'இந்திராவே இந்தியா', இன்று 'மோடியே மோட்சம்' என்கிற பெரும் அரசியல் விளயாட்டுக்களை இந்தியா கண்டது தான். தனித் தலைவர் ஒருவரின் 'கடாட்சங்களில்' மட்டுமே அமைப்புகள் நகரா. ஆனால் இந்திய உளவியல் அப்படிப்பட்ட 'அருளுக்காக' அதை கொண்டாடும் தன்மையுடனேயே தொழிற்படுகிறது.

சரி , issueக்கு வருகிறேன். பென்சன் ரிவிஷன் செய்ய வேண்டும் என்றால் அதற்கு புதிய ஊதிய நிலைகள் தெரிய வேண்டும் என்பதிலும் DOT தெளிவாக இருந்தது. அதன் ஒரு பலவீனம் NE ஊதிய நிலை பற்றிய அலட்சியம். இது கேள்வியான பின்னர் DOT அதை ஏற்றது. பி எஸ் என் எல்லிடம் பெறுவோம் என்றது. சில பென்சனர் தலைவர்களுக்கு பென்சன் ரிவிஷன் செய்ய 'pay scales' அவசியம் என்கிற புரிதல் இல்லை. அப்படியொன்றும் அவசியமில்லை என்கிற பேச்சை அவர்கள் உதிர்த்து வந்தனர்.

'Pay revision' இல்லாமல் பென்சன் ரிவிஷன் இல்லை எனப் பேசியவர்களுக்கும் தெளிவு கிடைத்தது. DOT அப்படி செய்ய வழியுண்டு எனச் சொன்ன பின்னர், அவர்கள் அதையே வலியுறுத்துவதில் அர்த்தமிருக்காது என உணர வேண்டியதானது.

ஆனால் மீண்டும் 7 th CPC or 3 rd PRC என்கிற வேறுபட்ட நிலைப்பாடுகள், வழக்குத் தீர்ப்பு என்கிற சூழல் உருவாயின. வழக்கு தீர்ந்தபாடில்லை.

இன்று நிலைமை புதிய சூழலுக்கு சென்றுள்ளது. DOT கடந்த செப் 1, 2025ல் BSNLக்கு எழுதிய pension contribution கடிதம் பெரும் நம்பிக்கையை ஏற்படுத்தியுள்ளது. NE சங்கங்கள் முழு மூச்சாக ஊதிய உடன்பாடு ஒன்றை, முடிந்தவரை stagnationயை குறைத்து போட இயலுமா எனப் பார்க்கின்றனர். உடன்பாடு நடைமுறைக்கு வரவேண்டும் என்றால், DOT ஆல் Executive ஊதிய மாற்றம் அறிவிக்கப்பட வேண்டும். இதை DOT செய்திட , அரசாங்க உத்தரவுகள் அதற்கு அதிகாரத்தை கொடுத்துள்ளனவா என்பது தான் புரிந்து கொள்ளப்பட வேண்டிய கேள்வி. DOT , 'அதிகாரிகளுக்கான ஊதிய மாற்றத்தை' அறிவிக்குமா? அறிவித்தால் மகிழ்ச்சி. ஆனால் அறிவிக்குமா?

பி எஸ் என் எல் தனது குறிப்பில்

There are number of PSUs which are loss making and the govt has to decide in totality என்கிற எச்சரிக்கை குறிப்பையும் சொல்லியுள்ளது.

சரி. DOT ஆல் pre 2017 pensioners க்கு , அனைத்து பென்சனர் சங்கங்களும் கோரும் வகையில் பென்சன் மாற்ற அறிவிப்பை செய்ய முடியுமா? தாங்கள் அப்படி செய்ய உத்தேசித்துள்ளோம் என்பதை கசிந்த 'நோட் சீட்', மற்றும் அக் 17, 2022 கூட்டக் குறிப்புகளில் DOT சுட்டிக் காட்டியது. இப்போது DOE காட்டிய பச்சைக்கொடி Executive Scalesயை அப்படியே எடுத்துக்கொள்ள DOTக்கு உதவியுள்ளது. NE scales குறித்து சங்கங்களுடன் உடன்பாடு வந்தால், அந்த ஸ்கேல்சும் DOTக்கு கிடைத்து விடலாம் (முன்னரே அது பெற்றும் வைத்திருக்கலாம்).

இந்த சூழலில் post 2017 Retirees க்கும் ஏற்படும் 'அனாமலி' குறித்தும் DOT தெளிவு படுத்தியுள்ளது. அவர்களுக்கு notional pay fixationல் பென்சன் நிர்ணயம் என்றது. இதற்கு DOPPW ஒப்புதல் அல்லது பென்சன் விதிகளில் மாற்றம் தேவைப்படலாம். PPO on the basis of Notional Pay என்பது ஏற்கப்படவேண்டும். இப்படி செய்வதால் ஊதிய மாற்றம் மேலும் தள்ளிப் போக வாய்ப்புண்டு.

DOT தான் தெளிவு படுத்திய 17-10-2022 போக்கிலேயே காய்களை நகர்த்தி வருகிறதோ என எனக்குத் தோன்றுகிறது. ஊதிய மாற்றம் என்பதைவிட, pre 2017- post 2017 conflict இல்லாமல் புதிய ஊதிய நிலைகளை notify செய்து 'பென்சன் மாற்றம்' என்கிற திசையில் செல்கிறதோ என எனக்குத் தோன்றுகிறது. இதனால் பென்சனர்

சங்கங்கள் ஒரு சேர தங்களின் தீர்க்க தரிசனம் குறித்து பெருமையும் கொள்ளலாம்.

சில பென்சனர் சங்கங்கள் தங்களின் 7th CPC வழக்கு துணை நிற்கும் என தொடர்ந்து முயற்சிக்கவும் கூடும்.

தொழிற்சங்கங்களுக்கு post 2017 பென்சன் பிரச்சனை தீரலாம் எனக் கருதினாலும், ஊழியர்கள் ஊதிய மாற்றப் பலன்களை பெறுவதில் மேலும் கால தாமதமா என்கிற கவலை உருவாகலாம். இவையெல்லாம் எனக்குத் தோன்றுபவையே. நடக்கலாம். நடவாமல் நான் தவறாகவும் ஆகலாம். நிலைமைகளைப் பார்த்து மனதில் தோன்றியதைச் சொல்கிறேன். அவ்வளவுதான். ஏற்பதும் அலட்சியப் படுத்துவதும் அவரவர் 'பதவி -செல்வாக்கு' பொறுத்து அமையும்.

9 hrs 16-9-2025 R. Pattabiraman

Sep 27 2025

Again on the issue of FA 2025 - Simla case

Dr Neeraj Mittal , secretary DOT has sent his supplementary affidavit in compliance of orders dated 23–1-2019 and 25-7-2025 in the Hon CAT Chandigarh on the case of Simla pensioners demanding 78.2 arrears from 1-1-2007 , DCRG, commutation etc.

DOT's efforts to nullify the CAT order dated 23-1-2019 was not succeeded at HC as well as Supreme Court. On 25-7-2025 CAT directed DOT secretary to appear before it. CAT again reiterated that as the revised pay scale has been given and pension has been fixed, all the retirement dues like DCRG , Leave encashment and commuted value of pension are the part of retirement dues..

..so pay the petitioners by the next hearing , failing which the respondent shall be present in the court on the next hearing.

On this background, the affidavit of Secy DOT is pointing out the new ground which is restricting the CAT order dated 23-1-2019 and that is the FA passed by the parliament on 29-3-2025. DOPPw also advised vide its internal note dated 22-8-2025 about this validation of CCS pension rules and principles of expenditure on pension liabilities from the consolidated fund of India.

Further the affidavit elaborated para 150 and 149 of the FA 2025, and taking shelter on these paras, says

"Once sections 149 and 150 are taken into consideration the relief of complete parity is incompatible with the statue. Parliament has recognised that accepted Pay Commission recommendations may produce different outcomes for different cohorts and has authorised and validated those differences on a retrospective basis."

Through that affidavit they submitted they claim "that the sec 149 (4) states that the norms and methods under a given Pay commission shall take effect from the date determined by the Govt and the benefits shall not be given from an earlier date. The request to backdate a different methodology to a past retiree (like the Applicants) is therefore directly at odds with the statue"

…So now they plead to vacate the interim order, drop the contempt petition, but affirmed their readiness to comply with the law as finally settled

Naturally on seeing this affidavit, all the BSNL pensioners associations may feel proud about their wisdom of fighting the FA 2025 vigorously . DOT secy himself is now saying (in writing with the connivance of DOPPw) about the applicability of FA 2025 to BSNL pensioners - the applicants of this CAT case.

But I strongly feel that the Simla applicants can fight their case on certain grounds.

The BSNL Retirees the applicants here are not covered within the ambit of the definition of pensioner defined in this Act

148

In this part , unless the context otherwise requires

a . Pensioner means a retired Government servant under the pension rules

As per this para 148 a, the Simla applicants are not retired Government servants and hence this act is not applicable to quote to BSNL retiree on IDA , as the new ground to deny the benefits ordered by CAT.

The Second ground is about the principles of expenditure from CFI quoted in the Act as well as in the affidavit- which is speaking about CPC related expenditures only, and there is no direct mention of any pension revision based on PRC related DPE OMs. DPE OMs driven pension orders are not validated by this Act.

The BSNL Simla Retirees are not demanding anything in this case as per CPC related fitment . They are demanding the arrears of 78.2 and connected DCRG commutation benefits as per DPE Om related pension revision order of DOT only.

As per my understanding no validation is done In this FA 2025 for DOT orders - for BSNL IDA pensioners revision based on DPE pay related orders . DOT is taking its shelter on the basis of principles of Expenditure from the consolidated Fund for the bsnl IDA pensioners who are not covered by this act as per the definition of 148 a. This is unfair.

While DOT is taking shelter on 149, 150 paras, conveniently setting aside para 148 a, CPC related aspects.

So I Appeal to Simla comrades, kindly fight your case on the grounds of ‘148 a ‘ and ‘realise your ordered benefits’ ,as that is nothing connected with CPC OMs, as you are demanding PRC related pension revision only. CAT has linked DPE OM dated 2-4-2009 with approval of competent authority OM dated 10-6-2013 for employees and 18-7-2016 for pensioners. No CPC related OM is cited for giving the benefits .

Fight the case as this FA 2025 not applicable to you..

Wishing the Bhawani Dutt Sharma and other Simla applicants every success..

18 hrs 27-9-2025 R. Pattabiraman

Com R. PATTABIRAMAN A Student of Com O P Gupta School